

# 2012

## Township Clerk Election Guide



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# ABBREVIATED ELECTION ADMINISTRATION CALENDAR

This abbreviated calendar lists important deadlines related to a state election year. Each listing includes citations to Minnesota Statutes or Minnesota Rules. Minnesota Statutes and Rules are available at [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us). This calendar is not intended to provide legal advice and should not be used as a substitute for legal guidance. Readers should consult with an attorney for advice concerning specific situations.

The detailed version of the 2012 Election Calendar is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

## December:

- **Last day to change precinct boundary prior to March Township election (Towns with March Elections)** – at least 10 weeks before the date or the next election. ([M.S. 204B.14, subd. 4](#))

## January:

- **Candidate filing period (Towns with March Elections)** – opens 70 days before March Township election and closes 56 days before the March Township Election. ([M.S. 205.13, subd. 1a](#))
- **Withdrawal period ends (Towns with March Elections)** – candidates may withdraw until 5:00 p.m. two days after filing closes. ([M.S. 205.13, subd. 6](#))

## February:

- **Absentee voting available for March Township Election** – during the 30 days before the March Township Election. ([M.S. 203B.05, subd. 2](#); [203B.085](#); [204B.35](#))
- **Voter pre-registration closes for March Township Elections** – at 5:00 p.m. 21 days before the primary. ([M.S. 201.061, subd. 1](#))

## March:

- **Clerks office open for absentee voting (if applicable)** – 10:00 a.m. to 12:00 p.m. on the Saturday before the March Township Election. ([M.S. 203B.085](#))
- **MARCH TOWNSHIP ELECTION DAY (Towns with March Elections)** – 2<sup>nd</sup> Tuesday in March. ([M.S. 205.075, subd. 1](#))
- **Canvass March election results** – within 2 days of election. ([M.S. 205.185, subd. 3](#))
- **Bad weather alternate for March Township Election and annual town meeting** – third Tuesday in March. ([M.S. 365.51, subd. 1](#))
- **Terms begin for town officers elected at March Township elections** – newly elected town officers to file oath of office within 10 days of receiving certificate of election. ([M.S. 367.25, subd. 1](#))

## June:

- **6-1-2012 Last day to change precinct boundary** – no later than June 1 in the year of the State General Election. ([M.S. 204B.14, subd. 4](#))
- **6-29-2012 Absentee voting available for State Primary Election** – during the 46 days before the election. ([M.S. 203B.05, subd. 2](#); [203B.085](#); [204B.35](#))

## July:

- **7-24-2012 Voter pre-registration closes** – at 5:00 p.m. 21 days before the primary. ([M.S. 201.061, subd. 1](#))

- **7-31-2012 to 8-14-2012 Filing period for Towns with November Elections** – opens 98 days before and closes 84 days before the first Tuesday after the first Monday in November. ([M.S. 205.13, subd. 1a](#))

#### August:

- **8-7-2012 to 8-21-2012 Filing period with town clerks for hospital district office seats** – opens 91 days before and closes 77 days before the first Tuesday after the first Monday in November (M.S. 447.32, subd. 4)
- **8-11-2012 Clerk's office open for absentee voting (if applicable)** – from 10:00 am to 3:00 pm on the Saturday before the election and until 5:00 pm on the day before the election. ([M.S. 203B.085](#))
- **8-14-2012 State Primary Election Day** – second Tuesday in August. ([M.S. 205.065, subd. 1](#); [204D.03](#))
- **8-16-2012 Withdrawal period ends (Towns with November Elections)** – until 5:00 p.m. two days after filing closes. ([M.S. 204B.12, subd. 1](#); [205.13, subd. 1a](#))
- **8-16-2012 to 8-17-2012 Canvass primary results** – on second or third day after the primary. ([M.S. 205.065, subd. 5](#))

#### September:

- **9-21-2012 Absentee ballots available for general election** – at least 46 days before the general election. ([M.S. 203B.05](#); [203B.085](#); [204B.35](#))

#### October:

- **10-16-2012 Voter pre-registration closes for November General Elections** – at 5:00 p.m. 21 days before the general election. ([M.S. 201.061, subd. 1](#))

#### November:

- **11-3-2012 Clerk's office open for absentee voting (If applicable)** – from 10:00 a.m. to 3:00 p.m. on the Saturday before the November general election and until 5:00 p.m. on the day before the election. ([M.S. 203B.085](#))
- **11-6-2012 November General Election Day** – the first Tuesday after the first Monday in November. ([M.S. 204D.03](#); [205.065, subd. 1](#))
- **11-9-2012 to 11-16-2012 Canvass the results of November Township Election** – between the third and 10<sup>th</sup> day following the November general election. ([204C.33, subd. 1](#); [205.185, subd. 3](#))

#### January:

- **1-7-2013 Terms begin for town officers elected at November general election** – first Monday in January following the year of election. ([M.S. 367.03](#))



## 1.0 INTRODUCTION

This guide is designed to aid township clerks and their staff who administer township elections. Please use this guide with the Office of the Minnesota Secretary of State (OSS) publication “Minnesota Election Laws”. Citations in this guide refer to the Minnesota election laws (M.S. citations) or rules (M.R. citations). Full text of the Minnesota election laws and rules can be found at [www.sos.state.mn.us](http://www.sos.state.mn.us). If you are using an interactive electronic edition of this guide, you may simply click on the citations to retrieve current statute or rule.

Township clerks have a key role in administering the election process that involves a sequence of “must do” tasks. For this reason, this guide is organized to generally follow the election calendar.

For a more comprehensive view of election administration in Minnesota we refer you to the following election guides:

- County Auditors Election Guide
- City Clerk Election Guide
- School District Election Guide
- Equipment Testing Guide
- Mail Election Guide
- Recount Election Guide
- Post Election Review Guide
- Campaign Manual

These guides, training materials, and other publications are updated periodically. Current editions are available at [www.sos.state.mn.us](http://www.sos.state.mn.us). Please contact our office if you have comments on how this publication could better support the needs of township clerks.

## **2.0 ELECTION CALENDAR OVERVIEW**

An abbreviated election calendar is shown in the front of this manual. It includes important deadlines for a state election year. When a statutory reference is to a certain number of days before an election or other event, start counting from the day before the event. When determining the days after the event, start counting from the day after the event. If the last day falls on a weekend or legal holiday, that day is usually omitted. For example, if a deadline falls on a Sunday, that day is omitted and Monday becomes the day of the deadline.

The complete detailed 2012 Election Calendar is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

### 3.0 ELECTION ADMINISTRATOR TRAINING AND CERTIFICATION

Township clerks who serve as the local election administrators must be trained and certified before they may administer elections:

1. initial certification;
  - a. initial certification requires successful completion of five hours of training;
  - b. initial certification is good for the election cycle in which it is earned and through the following election cycle;
  - c. each election cycle begins on January 1 of an even-numbered year and ends on December 31 of an odd-numbered year;
2. annual certification maintenance;
  - a. to maintain certification to administer elections, township clerks need to complete four hours of election training during the election cycle following their initial certification and every two years thereafter;
  - b. training may be provided by county auditor or by the OSS;
3. “train the trainer” training;
  - a. if the clerk will be training election judges, in addition to the initial training or maintenance training, the clerk must complete a “train the trainer” course, conducted or approved by the OSS, before each state primary election; and
4. emergency training;
  - a. a clerk who has taken office less than six months before an election may administer that election after completing two hours of emergency training conducted by the home county auditor or the OSS.

([M.R. 8240.0100, subp. 2](#); [8240.1100](#); [8240.2700](#))

Township clerk election training addresses the following:

1. candidate filings;
2. campaign practices;
3. campaign finance;
4. election calendar;
5. ballot preparation;
6. election judge recruitment and duties;
7. notice requirements;
8. voting systems;
9. mail elections;
10. absentee voting;
11. local procedures; and
12. post election duties.

([M.R. 8240.2700, subp. 5](#))

Up to 4 of the 5 training hours for initial certification, and 3 of the 4 training hours for certification maintenance, may be from other sources, subject to the approval of the home county auditor. Time spent attending, or teaching, election judge training may be counted toward a clerk’s initial certification or biennial certification maintenance requirement, however, “train the trainer” sessions may not be counted toward these requirements. The clerk’s county auditor will issue their election administrator certificate and maintain a record of related training. ([M.S. 204B.25](#); [M.R. 8240.2700, subp.6](#); [8240.2700, subp. 7](#) )

If the county auditor has delegated election judge training responsibility under [M.S. 204B.25](#), the clerk is responsible for training election judges. If delegated, the clerk must complete, in addition to the initial training or maintenance training, a “train the trainer” course conducted by or approved by the OSS before each state primary election.

[\(M.R. 8240.1100\)](#)

## 4.0 TOWNSHIP OPTIONS

### 4.1 ORGANIZATION OF THE BOARD

When a township was established, Minnesota statutes provided for an elected three member board of supervisors with staggered three year terms and elected clerk and treasurer offices with staggered two-year terms. Under this “regular plan” annual elections are held on the second Tuesday in March. Most townships follow this pattern but additional options are provided for in Minnesota state law. ([M.S. 205.075](#); [367](#))

The question of adopting a given option for town board organization must be voted on at the town election. The board may submit the question, or residents may petition for an option to be placed on the ballot. A petition requires signatures of township electors equal to 15 percent of those voting in the last town election. ([M.S. 367.31](#))

There are four optional plans for organization of the town board:

- Option A: a five-member board.
- Option B: appointed clerk and/or treasurer.
- Option C: appointed town administrator instead of a clerk and a treasurer.
- Option D: combined clerk and treasurer.

([M.S. 367.30](#))

For complete information regarding township options, the text of the ballot question, and phase in or abandonment of an option, please refer to [M.S. 367.30](#) through [367.36](#). ([M.S. 367.30](#); [367.36](#))

### 4.2 ELECTION DATE AND LENGTH OF TERMS

Townships may hold their general elections in either March or November. The second Tuesday in March has been the traditional township annual meeting and Election Day. Statutes permit townships to move their elections to the first Tuesday in November, every other year, even or odd, with four or six-year overlapping terms. A town that has adopted the November date for the town elections using four-year terms may also adopt a resolution establishing six-year terms for supervisors. Changeover to the uniform Election Day may be proposed by the board or by a resolution submitted at the annual meeting. The ordinance or resolution must include a plan for lengthening or shortening the terms and staggering the terms, and it must be passed by the voters at the next town general election.

A township that has moved their township elections to November, after having conducted at least two elections on that date in November, can adopt a resolution to move township elections back to the second Tuesday in March. The resolution must be adopted by a unanimous vote of town supervisors and include a plan to shorten or lengthen terms. This resolution to return to March becomes effective after being passed by the voters at the next town general election. ([M.S. 205.075, subd. 1](#); [205.075, subd. 2](#); [367.03](#))

## 5.0 PRECINCTS

### 5.1 WHAT ARE ELECTION PRECINCTS?

“Precincts” are the basic geographical units for organizing and administering elections. Precinct boundaries are partially designed by the town board and partially the result of various requirements in state statutes. At a minimum, each township must be at least one precinct, and additional precincts are necessary if the township is divided by a county, congressional, or legislative boundary. Within these broad requirements, towns may create as many or as few precincts as suits the community. Precincts are not tied to population size, however, precincts sized much beyond 2,000 to 2,500 registered voters can become difficult to manage. ([M.S. 204B.14](#))

### 5.2 PRECINCT BOUNDARY CHANGES

The town board may make precinct boundary changes at any time except:

1. after January 1 of a year ending in zero until after the legislature has been redistricted except for certain annexations or to divide an existing precinct;
2. after June 1 of state election (even) years; or
3. within ten weeks before the next election.

([M.S. 204B.14, subds. 3; 204B.14, subd. 4](#))

Precinct lines must not cross city, ward, county, county commissioner, legislative, or congressional district boundaries. When municipalities are further subdivided into two or more precincts, the boundary between two precincts must follow “visible, clearly recognizable physical features” or the jurisdictional boundaries. Examples of recognizable physical features include streets, rivers, and railway rights-of-way. Precinct boundaries may also follow school district boundaries that are lacking a recognizable physical feature. If necessary, two precincts may be formed which share a boundary that is not located on a recognizable physical feature, as long as the boundary of the two precincts combined is entirely located on recognizable physical features or jurisdictional boundaries. In this case, the names of those two precincts shall reflect their adjoining relationship (e.g. 1A, 1B). ([M.S. 204B.14, subd. 6; M.R. 8255.0020](#))

The town clerk (or county board for unorganized territories) must provide the following notification after a boundary change occurs:

1. the clerk must immediately notify the county auditor and the OSS;
2. the clerk must file a corrected base map with the county auditor and the OSS within 30 days after the boundary change was made;
3. the clerk must post a notice of the change for at least 56 days; the change cannot go into effect until a notice has been posted for the 56 day period; and
4. if polling locations change, the clerk must make arrangements with the county auditor to notify the affected voters and their households of the change. ([M.S. 204B.14, subd. 5](#))

The county auditor must use the corrected map filed by the town clerk to update the precinct finder in SVRS. The corrected map and precinct finder must be made available for inspection. If a municipality makes a change to the boundary of an election precinct (or if an annexation occurs affecting a precinct boundary) the auditor must notify each school district with territory affected by the boundary change at least 30 days before the effective date of the change. ([M.S. 204B.14, subd. 5](#))

The map information sent to the OSS is used to update the statewide database of precinct and election district boundaries. The precinct map data is used by a variety of state agencies and available to the public for download. A variety of maps are available for download at [www.sos.state.mn.us](http://www.sos.state.mn.us). Printed maps are also available from OSS for the cost of production. ([M.S. 204B.146](#))

A change in the boundary of a precinct that has occurred as a result of a municipal boundary adjustment that is effective more than 21 days before a regularly scheduled election takes effect at the scheduled election. A change that is effective less than 21 days before a regularly scheduled election takes effect the day after the scheduled election. ([\*M.S. 204B.14, subd. 4a\*](#))

For additional information on boundary changes see the Redistricting information available at the [Minnesota Legislative Reference Library](#).

## 6.0 POLLING PLACES

### 6.1 DESIGNATION

The governing body must designate, by ordinance or resolution, a polling place for every precinct. Changes cannot be made less than 90 days before the next election, including school district elections or referenda, nor anytime between the state primary and general elections. When there is a change in polling place location, the governing body making the change must notify households with at least one registered voter that are affected by the change by non-forwardable mail at least 25 days before the election. The polling place designation remains in effect until the governing body makes a new designation. The county auditor needs to be notified of polling place changes when they are made so county staff can update the polling place in SVRS and work with the governing body to appropriately notify voters. The governing body making a polling place change must notify every affected household with at least one registered voter by non-forwardable mail at least 25 days prior to the next election. ([M.S. 204B.16 subd. 1a](#); [204B.16, subd. 3](#))

All polling places must be:

1. fully accessible (see section 5.4);
2. large enough to accommodate the election activities;
3. free of other, non-election, activities;
4. smoke free;
5. liquor free and not next to a liquor service area; and
6. located within the precinct except:
  - a. towns in the metro area may locate a polling place outside the precinct if it is within one mile of the precinct boundary or it is part of a combined polling place (see section 6.3 below);
  - b. towns outside of the metro area may locate polling places up to five miles outside the precinct boundary.

([M.S. 144.414](#); [200.02, subd. 24](#); [204B.16, subd. 1](#); [473.121](#))

Note: Governing bodies using school district buildings as polling places should contact the school district annually to verify that their security requirements have not changed.

### 6.2 EMERGENCY DESIGNATION

The only exception to guidelines for polling place designation is when an emergency renders the original polling place unusable, the election judges can move the polling place (with permission of the administering clerk or county auditor) to another nearby location. ([M.S. 204B.16, subd. 3](#))

Election judges must do the following when designating an emergency polling place:

1. meet at original location on Election Day;
2. fill election judge vacancies;
3. announce the polling place change to any voters who show up at original location;
4. post notice indicating the polling place change (must be easily seen by voters in vehicles); and
5. meet at new polling place and post notice indicating the change.

([M.S. 204B.17](#))



## 6.3 COMBINED POLLING PLACE

Under certain circumstances, the governing body of a municipality may combine polling places into a single, accessible location, with a single team of election judges. A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor after approval by the governing body or, in the case of multiple municipalities, all governing bodies. Separate ballot boxes and separate returns are kept for each precinct involved.

A single, accessible, combined polling place may be established no later than May 1st of any year in any of the following:

1. two contiguous precincts in the same township;
2. up to four contiguous municipalities located outside the metro area and in the same county, Congressional District and Legislative District;
3. noncontiguous precincts located in one or more counties subject to approval by both of the governing bodies of each municipality and the secretary of state; and
4. mail election precincts, in which case the designation by the municipality or the auditor of only one centrally-located polling place is required. (See Mail Elections Guide)  
([M.S. 204B.45](#); [204B.14](#))

Note: The metropolitan area is defined as Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright counties.

One precinct count voting system and one memory unit may be used to count ballots for up to four precincts that are in the same county and that have a combined total of fewer than 2,500 registered voters as of June 1st of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system and the voted ballots must be separated and sealed by precinct.  
([M.R. 8230.4365](#))

A municipality withdrawing from participating in a combined polling place must do so by resolution. The resolution of withdrawal must be filed with the county auditor no later than April 1st of any year.  
([M.S. 204B.14, subd. 2](#))

## 6.4 VOTER NOTIFICATION

When municipalities change polling places, in addition to notifying the auditor to update SVRS, they also must at least notify all affected households with at least one registered voter by a non-forwardable mailing no later than 25 days before the next election. ([M.S. 204B.16, subd. 1a](#))

There are multiple ways to provide the required voter notification:

- The clerk may request that the county auditor mail a Postal Verification Card (PVC) to all households with at least one registered voter in the affected precincts (auditors, be sure to enter the new polling place information into SVRS before entering the PVC request).
- The clerk may request that the county auditor mail a PVC to all the voters in the affected precincts (auditors, be sure to enter the new polling place information into SVRS before entering the PVC request).
- The clerk may purchase household address labels from the OSS to send their own notification to all affected households with at least one registered voter. Order forms are available at [www.sos.state.mn.us](http://www.sos.state.mn.us).
- The clerk may purchase voter labels from the OSS to send their own notification to all affected voters. Order forms are available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

## 6.5 POLLING PLACE ACCESSIBILITY

Federal and state laws require that all polling places be fully accessible and usable by elderly voters or voters with disabilities.

Minimum requirements include:

1. paved parking with extra wide spaces reserved for disabled persons;
2. curb cuts or temporary ramps;
3. paved main routes free of stairs or with ramps or elevator bypasses;
4. entrances/doorways a minimum of 32 inches wide;
5. walkways and hallways at least 36 inches wide;
6. hallways free of protrusions overhanging the floor;
7. handrails on all stairs;
8. signs directing voters around obstructed entrances or stairs to accessible routes;
9. signs outlining the assistance available to voters; and
10. one or more wheelchair accessible voting booths or stations with stable, flat writing surface 34 inches high.

[\(M.S. 204B.16\)](#)

For federal, state, county, city and school district elections the voting method used in each polling place must include an assistive voting device (AutoMARK). An AutoMARK assistive voting device is also required for townships with more than 500 registered voters holding standalone township elections. A township is required to use AutoMARK at its general town election if voters at the previous years annual town meeting decided to use AutoMARK. This device is accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. ([M.S. 206.57, subd. 5](#))

Minnesota election law offers some additional accommodations if the voter needs assistance with the voting materials:

1. voting by absentee ballot;
2. curbside voting;
3. a team of election judges from different major political parties provide assistance in the polling place;
4. voters bringing someone of their choosing to assist in the polling place; and
5. assistive voting equipment (AutoMARK) available at the polling place.

[\(M.S. 203B.02; 204B.16, subd. 5; 204C.15\)](#)

Municipalities should visit polling locations periodically to verify that polling locations are still accessible. The Office of the Secretary of State Polling Place Accessibility Diagnostic Tool provides instructions on how polling place inspections should be performed.

For more specific details on accessibility, we recommend the following:

- American with Disabilities Act

## 6.6 POLLING PLACE MATERIALS

Township clerks are responsible for ensuring that all necessary supplies are delivered to the polling place for use on Election Day. This includes ballots, ballot boxes, voting equipment such as precinct optical scan ballot counter, assistive voting device (AutoMARK), precinct rosters, posters, flags, and boxes, envelopes and seals to secure ballots and other election materials. A more extensive example supply list is included in the appendix of this guide. ([M.S. 204B.28](#))

## 7.0 ELECTION JUDGES

### 7.1 ELECTION JUDGE QUALIFICATIONS

An election judge must be:

1. eligible to vote in the State of Minnesota;
2. able to read, write and speak English;
3. appointed by the appointing authority (county, city, township, or school board); and
4. trained and currently certified as an election judge.  
([M.S. 204B.19, subd. 2](#); [204B.21](#); [204B.25](#))

Individuals applying to be election judges need to declare their party affiliation, if they are affiliated with a major political party.

An exception to the requirement that all election judges be trained and certified is provided for precincts in which less than 100 people voted at the last state general election. In these precincts, having only two of the required number of election judges trained is sufficient if they are not from the same major political party. If electronic voting equipment is in use in the precinct such as in a statewide election, it is highly recommended that all election judges be trained and certified. ([M.S. 204B.25, subd. 3](#))

An election judge cannot be:

1. a candidate in that election (i.e., they are running for an office on a ballot used in that precinct. An individual actively campaigning as a write-in candidate is a candidate.);
2. the husband, wife, parent, child, stepchild, brother, or sister, or stepsibling of a candidate or another judge in the same precinct; or
3. a challenger.

Individuals who are related to each other may serve as election judges in the same precinct provided that they serve on separate shifts that do not overlap. ([M.S. 204B.19](#))

### 7.2 STUDENT ELECTION JUDGE TRAINEES

High school students age 16 and 17 years of age can be election judge trainees. Students who are 18 years of age or older can serve as regular election judges.

To serve as trainee election judges students must be:

1. be a United States citizen;
2. be at least 16 years of age;
3. serve in the county where they reside;
4. be in good academic standing; and
5. have permission from their school and parents.

Trainee election judges can serve for all elections. They serve without party affiliation and must be paid at least 2/3 of the minimum wage. They cannot serve past 10:00 p.m. and cannot number more than 1/3 of the election judges in any one precinct. Trainee election judges, like other election judges, are not required to serve the entire day.

Because trainee judges serve without party affiliation, they cannot perform tasks that must be carried out by two judges of different political parties, like curbside voting. Trainee election judges can perform any other election

judge tasks and should be assigned those duties just as other election judges are assigned. Trainees do not count toward the minimum number of election judges required to serve. ([M.S. 204B.19, subd. 6](#); [M.R. 8240.1655](#))

## 7.3 APPOINTING ELECTION JUDGES

### 7.3.1 County Lists

Each major political party will furnish electronic lists of potential election judges to the Secretary of State's office by May 1st of even numbered years. The OSS will in turn furnish the list to the auditor's office by May 15th. County auditors must promptly forward the lists to city clerks. ([M.S. 204B.21](#))

The party lists are used to appoint election judges to serve at elections in their jurisdictions over the next two years. If there aren't enough people on the lists from your municipality or no lists have been received, the governing body may appoint other people who meet the qualifications. ([M.S. 204B.21](#); [M.R. 8240.0300](#))

### 7.3.2 Appointment by Town Board

The clerk recommends election judges to be appointed for the upcoming election (including healthcare and absentee ballot boards if applicable), and then the town board makes the appointments at least 25 days before the election. The town board may pass a resolution authorizing additional election judges within 25 days before the election, if they deem necessary. If there aren't enough people on the list, the town board may appoint other people who meet the qualifications. The town board may evaluate applicants to determine if they are capable of carrying out the duties ([M.S. 204B.21, subd. 2](#))

Note: The clerk may suggest that the town board include wording to the resolution to allow the clerk substitutions as necessary.

Note: In 1998, the U.S. Immigration and Naturalization Services exempted jurisdictions that hire election judges from the Form I-9 employment verification procedures.

### 7.3.3 Party Balance

At least two election judges in each precinct must serve with a different major political party designation. The remaining election judges in a precinct can serve without an affiliation to a major political party. No more than half the judges in a precinct, may belong to the same major political party.

Township elections held not in conjunction with a statewide election are exempt to this requirement. ([M.S. 204B.21, subd. 2](#))

### 7.3.4 Required Number of Election Judges

Every polling place must have a minimum of four election judges for all elections where electronic voting systems are used (electronic ballot counter and/or AutoMARK).

Student election judge trainees do not count towards the four election judges appointed per precinct requirement.

When not using electronic voting systems for March elections, the polling place must have at least 3 election judges. One additional election judge must be appointed for every 150 votes cast in the precinct at the last similar election. ([M.S. 204B.22](#))

### 7.3.5 Head Judge

When the town board appoints the election judges, they designate one of the judges as head judge. The head judge assigns duties among the judges and is responsible for performance of all required duties. In addition to election judge training and certification, head election judges complete an additional hour of training every two years to be certified as a head election judge. ([M.S. 204B.20](#); [M.R. 8240.1750](#))

## 7.4 VACANCIES

If a judge doesn't show up at the polling place or doesn't perform his or her duties, the other judges may select a qualified person from the precinct to fill the vacancy. The clerk may also fill vacancies as they occur. ([M.S. 204B.23](#))

## 7.5 COMPENSATION

The town board sets the compensation for election judges, but it must be at least the state minimum hourly wage. Training and work related travel time must be included along with work related travel mileage. Judges may volunteer their time without pay by submitting a written statement no later than 10 days before the election. ([M.S. 204B.31](#))

## 7.6 TIME OFF FROM WORK

People who would like to be election judges may take time-off from work without loss of pay. Prospective judges must give their employer at least 20 days written notice and a certificate from the appointing authority that shows the hours the person will work and rate of pay. The employer may deduct what the person receives for being an election judge from their salary for the hours that overlap. For example, if the employee normally works 8 hours per day at \$10 per hour (8 hours X \$10=\$80), and the rate of pay established by the township for election judges is \$5 per hour for the same 8 hours of service as an election judge (8 hours X \$5=\$40), the township will pay the election judge \$40 and the employer must pay the difference of \$40. As an alternative, if the employee takes vacation for the time off, the employee can keep the salary paid by the township for election judge service. An employer can restrict the number of persons serving to no more than 20 percent from any single work site. ([M.S. 204B.195](#))

## 7.7 ELECTION JUDGE TRAINING

### 7.7.1 Certification and Administration

All election judges must successfully complete training. Student election judge trainees (16-17 year olds) complete the same training as the other election judges. County auditors are responsible for training election judges or delegating the responsibility to township clerks. If the clerk will be conducting election judge training, the clerk or a designee must attend an adult education training provided by the OSS. ([M.S. 204B.25](#); [M.R. 8240.1100](#); [8240.1655](#))

Working through the county auditors, the OSS will provide copies of the Election Judge Guide, Election Judge DVD, customizable slide presentation, and other training materials to townships. Current editions of guides and training materials are available at [www.sos.state.mn.us](http://www.sos.state.mn.us). Clerks must arrange to have at least one Election Judge Guide available in each polling place on Election Day. The training authority, whether auditor or clerk, must develop a training plan that outlines the staff and resources assigned to

training, the dates, topics to be covered, and materials to be used. The plan must be kept available for public inspection. ([M.R. 8240.2000](#); [8240.2400](#))

Trainers must keep a record of the training each election judge has completed. The trainer must give a certificate to each election judge, head election judge, or health care facility absentee voting election judge who successfully completes a training course. ([M.R. 8240.2100](#); [8240.2300](#))

Time spent attending, or conducting, election judge training may be counted toward a clerk's initial election administrator certification, or biennial certification maintenance requirement. Township clerks (and their deputies) are strongly encouraged to take advantage of election judge training. ([M.R. 8240.2700, subd. 7](#))

The training includes the following phases:

1. basic training course;
  - a. all election judges must complete a two-hour basic training course every two years;
2. maintaining certification;
  - a. a person must successfully complete the basic training course every two years to remain qualified to serve as an election judge; and
3. additional training;
  - a. after completing the basic training course, judges may need to complete additional training if they will be administering health care facility voting or serving as a head judge.

([M.R. 8240.1300](#))

## **7.7.2 Election Judge Training Plan and Course Content**

Each training authority shall prepare a training plan which shall be available for public inspection. The training plan must include:

1. the names of persons conducting training;
2. number of sessions planned;
3. projected attendance at each session; training materials to be used;
4. training methods employed; and
5. an outline of the content of each election judge training course.

([M.R. 8200.2400](#))

Election judge training is two hours long and covers the following topics:

1. eligibility;
2. training and assignment;
3. new laws, rules, forms, and procedures;
4. role of head judge;
5. preparations on Election Day before polls open;
6. poll opening activities;
7. greeting and directing duties;
8. roster duties;
9. challenge process;
10. providing assistance to voters with disabilities;
11. operation of voting equipment;
12. vote tabulation duties; and
13. closing the polls.

([M.S. 204B.25](#); [M.R. 8240.1600](#))

Additional training requirements may be adopted provided they are reasonably related to the ability to perform election judge duties in that election. ([M.S. 204B.25, subd. 2](#); [M.R. 8240.1600, subp. 2](#))

### **7.7.3 Health Care Facility (HCF) Absentee Voting Election Judge Training**

If the township has a health care facility (HCF), special outreach to that facility is required by any full-time clerk responsible for absentee balloting in that election. (See this guide's chapter on Absentee Voting for more information). HCFs located in a particular area can be looked up at [www.health.state.mn.us](http://www.health.state.mn.us). In order to be certified as a HCF absentee election judge, in addition to the basic election judge training, an individual must complete another hour of training every two years.

The HCF absentee voting course shall be at least one hour long and cover the following topics:

1. who is eligible to vote absentee from HCF;
2. application process, including methods for providing proof of residence;
3. voter registration;
4. providing assistance to voters;
5. voting procedures;
6. names and addresses of eligible facilities;
7. name of contact person at each facility; and
8. transporting the materials and voted ballots.

([M.R. 8240.1800](#))

### **7.7.4 Head Election Judge Training**

In addition to election judge training, head election judges must complete an additional hour of training. This training includes:

1. duties before Election Day;
2. training and assignment;
3. new laws, rules, forms, and procedures;
4. preparations on Election Day before polls open;
5. polling place opening activities;
6. use of training materials to find answers to questions on Election Day;
7. helping election judges work together on Election Day;
8. use of voting equipment;
9. handling emergencies;
10. preparing election returns; and
11. returning election materials to the local election official.

([M.R. 8240.1750](#))

## **7.8 ABSENTEE BALLOT BOARD ELECTION JUDGE TRAINING**

In order to serve as an election judge on an absentee ballot board, individuals must be appointed as provided in 204B.19 to 204B.22 and trained on the handling and processing of absentee ballots. It is recommended that this be at least a one hour training that covers all aspects of the handling and processing of absentee ballots. An individual does not need to attend a basic election judge training course to serve on an absentee ballot board.

([M.S. 203B.121](#))



## 8.0 GIVING NOTICE

### 8.1 CANDIDATE FILING PERIOD NOTICE

Clerks must publish a notice of filing dates at least two weeks before the first day to file affidavits of candidacy. The township shall publish a notice in the official newspaper stating the first and last dates on which affidavits may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk must post a similar notice 10 days before filing opens. The notice must list separately any office(s) where candidates can file affidavits to fill unexpired term of a vacancy at a special election. The notice must state the opening date, the closing time on the last day of the filing period, and where candidates may file affidavits of candidacy. ([M.S. 205.13, subd. 2](#))

### 8.2 ELECTION NOTICE TO COUNTY AUDITOR

Before every municipal election held in conjunction with a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal or county office, each town clerk must give the auditor at least 74 days' written notice in which any offices or questions are to be voted on.

For any other municipal election, the town clerk must give at least 53 days written notice.

The notice should include the date of the election, the offices to be voted on, and the title and language for each ballot question. At this time, it is a good idea to indicate to the county auditor how rosters should be printed for the upcoming election. (For example, one per precinct in alpha order or two or more precincts combined.) With this information, auditors can appropriately set up the election and polling place rosters in SVRS. They also are then able to provide accurate information to the public, coordinate absentee voting, and begin ballot layout. ([M.S. 205.16, subd. 4](#); [205A.07, subd. 3](#))

At least 67 days written notice must be given to the county auditor by the clerk if a special election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or special primary for federal or county office is cancelled. ([M.S. 205.16, subd. 4](#); [M.S. 205A.05, subd. 3](#))

At least 74 days written notice must be given to the county auditor by the clerk if a special election held in conjunction with a regularly scheduled election for federal, state, county, city, or school board office or special election for federal or county office is cancelled. At least 46 days written notice must be given before any other election is cancelled. ([M.S. 205.16, subd. 4](#); [M.S. 205A.05, subd. 3](#))

For mail elections, additional notice of the mail procedures must begin at least six weeks before the election. Please refer to the Mail Elections Guide available at [www.sos.state.mn.us](http://www.sos.state.mn.us). ([M.S. 204B.45, subd. 2](#))

### 8.3 ELECTRONIC VOTING SYSTEM NOTICE REQUIREMENT

#### 8.3.1 Notice Of Public Accuracy Test (PAT)

Public notice of the time and place of the Public Accuracy Test (PAT) must be given at least two days in advance by publication once in official newspapers. The PAT of the voting system must be performed within 14 days before Election Day. ([M.S. 206.83](#))

#### 8.3.2 Notice to OSS Of Use Of New Equipment

When using new voting equipment the clerk must submit a plan for the use of this equipment to the OSS more than 60 days before the first election where the municipality will use the new equipment. This

plan must include information regarding the acquisition of sufficient facilities, computer time, and professional services. The plan must be signed and notarized before it is submitted to the OSS. The OSS shall review each plan for sufficiency. Within 20 days of receiving the plan, the OSS shall notify each reporting authority of the sufficiency or insufficiency of its plan. ([M.S. 206.58](#); [206.80](#); [206.82](#))

### **8.3.3 Notice To Public Of New Voting System**

The governing body of a municipality must provide information to the public regarding the use of a new voting system at least 60 days prior to the election. A demonstration voting system must be provided in a public place for the six weeks immediately prior to the first election at which the new voting system will be used. ([M.S. 206.58](#))

### **8.3.4 Notice To Secretary Of State Of Change In Plan**

The clerk or auditor must notify the OSS of any changes to the plan on file prior to May 1<sup>st</sup> of each year following general election year. ([M.S. 206.82](#))

## **8.4 PUBLIC NOTICE OF ELECTION**

In the metropolitan area (as defined in [M.S. 200.02, subd. 24](#)) township clerks must publish notice of the election two weeks in advance, and have the option of also posting notice.

All notices of election must include:

1. the election date;
2. voting hours;
3. all polling place locations; and
4. a list of all offices and questions on the ballot.

([M.S. 205.16, subd. 1](#))

In non-metropolitan areas the township board may act to dispense with publication of the notice of election. If the township board acts not to publish the notice of election, the clerk must post a notice of township election at least 10 days prior to the election and have a copy available for public inspection in their office.

([M.S. 205.16, subd. 1](#))

If the election is to be held in March, the notice of election may be combined with the notice of annual meeting. The notice must include the bad weather alternate date. ([M.S. 365.51, subd. 2](#))

## **8.5 NOTICE OF MAIL BALLOTING PROCEDURES**

In a township where a mail election under 204B for mail ballot precincts or for mail elections will occur, notice of the election and procedures must be given at least six weeks prior to the election. Please refer to the Mail Elections Guide available at [www.sos.state.mn.us](http://www.sos.state.mn.us). ([M.S. 204B.45](#); [204B.46](#))

## 8.6 SAMPLE BALLOT

For every municipal election, the clerk must publish a sample ballot at least two week before the town election, post the sample ballot at least four days before the election, and post a sample ballot on Election Day in each polling place. ([M.S. 205.16, subd. 2](#); [205.16, subd. 3](#))

Townships not located within a metropolitan county, as defined in [M.S. 473.121](#), are not required to publish the sample town ballot. ([M.S. 205.16, subd. 2](#))

## 9.0 CANDIDATE FILING

### 9.1 FILING PERIOD

Candidate filing is the process through which candidates have their names placed on the ballot. Town clerks are the filing officers for the township offices, meaning the clerk, or designated deputy, administer candidate filing. If a town clerk has not appointed a deputy, the town treasurer shall perform the candidate filing duties when the clerk is absent. Arrangements may be made with the county auditor to receive township filings instead.

[\(M.S. 205.13, subd. 1; 367.033\)](#)

Candidates must file during a two week filing period. While one person may generally only hold one elected office at the same time, Minnesota law provides a rare, specific exception allowing the same person to serve on their town board and school board at the same time. In towns holding their elections in March of any year or for special elections not held in conjunction with another election, the filing period opens 70 days before and closes 56 days before Election Day. In all other towns, affidavits of candidacy must be filed during a two week period that opens not more than 98 days (July 31, 2012) before the general and closes not less than 84 days (August 14, 2012) before the general. [\(M.S. 205.13\)](#)

Note: The clerk is also responsible for accepting hospital district filings which are filed not more than 91 days (August 7, 2012) and not less than 77 days (August 21, 2012) before the first Tuesday after the first Monday in November of the year when the general hospital district election is taking place. [\(M.S. 447.32, subd. 4\)](#)

If a candidate will be absent from the state during the filing period, the candidate may file an affidavit, and filing fee or required petition during the seven days immediately before the candidate leaves the state. The candidate must state in writing the reason for being unable to file during the normal filing period.

[\(M.S. 205.13, subd. 1a; 205.13, subd. 1b\)](#)

The clerk must publish a notice of filing dates, location, and closing time at least two weeks before filing opens and must post a similar notice 10 days before filing opens. [\(M.S. 205.13, subd. 2\)](#)

### 9.2 CANDIDATE ELIGIBILITY

For a township office, any person may be a candidate who is:

- eligible to vote;
- will be 21 years old on assuming office; and
- will have been a resident of the township for 30 days before the township election.

[\(M.S. 204B.06, subd. 1\)](#)

### 9.3 FILING PROCESS

A candidate for a township office must file an affidavit of candidacy with the town clerk, unless arrangements have been made with the county auditor. The steps for candidate filing are as follows:

1. a candidate for an office to be voted for at the township election must file an affidavit of candidacy with the town clerk;
2. affidavits must be signed, notarized, and delivered in person or otherwise to the clerk during the candidate filing period;
  - a. absent candidates may follow the process listed in section 9.1 above;
3. alternatively, five or more voters can “draft” a candidate by filing an application on behalf of an eligible voter in the municipality with the clerk;
  - a. this candidate’s name is placed on the ballot after the proper filing fee is received;
4. a candidate filing for town supervisor, when more than one seat is to be filled at an election, must designate which specific seat they are seeking when filing;
5. the proper filing fee must be paid or a petition in place of a filing fee must be filed at the time of filing;
  - a. candidate filings are not complete unless accompanied by the filing fee or petition in place of the filing fee;
6. filing fees for township offices are \$2;
7. the candidate may file in place of the filing fee a petition by eligible voters having either 500 or a number equal to 5% of the total number of persons who voted in the last general election when the office was on the ballot (whichever is less);
8. affidavits of candidacy must be numbered in the order they are received by the filing officer;
9. when the similarity of both the first and last names of two or more candidates for the same office and election may cause confusion, candidates may provide up to three additional words to be printed to distinguish between the two; and
9. any individual who has an issue with the names placed on a ballot or with the candidate filing process may file an error and omissions petition in accordance with M.S. 204B.44.  
 ([M.S. 204B.10; 204B.11, subd. 2\(d\); 205.13, subd. 1; 205.13, subd. 3; 205.13, subd. 4](#))

Contact the county auditor with regards to receiving information on candidate name pronunciation and transmission of this information to the county auditor.

### **9.3.1 Withdrawal**

A candidate may withdraw from participation in the election by filing an affidavit of withdrawal with the filing officer. The affidavit shall request that the official withdraw the candidate’s name from the ballot. The candidate’s filing fee is non-refundable. Also, a candidate may stop campaigning but their name will remain on the ballot if they fail to submit an affidavit of withdrawal during the withdrawal period. Township candidates have until 5:00 p.m. two days after the close of filing to withdraw.  
 ([M.S. 205.13, subd. 6](#))

A copy of the affidavit of withdrawal form is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

## **9.4 CAMPAIGN PRACTICE AND FINANCIAL REPORTING (CAMPAIGN MANUAL)**

As candidates file, the clerk must give them a copy of the Minnesota Campaign Manual, available at [www.sos.state.mn.us](http://www.sos.state.mn.us). This Manual explains campaign financial reporting requirements, found in [M.S. 211A](#), and campaign practices requirements, found in [M.S. 211B](#), that apply to municipal candidates. ([M.S. 211B.14](#))

Although the clerk does not interpret or enforce campaign finance laws, the clerk must:

1. give a copy of the Minnesota Campaign Manual, the financial reporting form, and the Certificate of Filing form to each candidate at the time of filing;
2. receive financial reports from candidates and committees according to campaign finance report filing schedule, described in the Minnesota Campaign Manual; with the clerk's permission, these forms may be filed electronically;
  - a. the campaign report filing schedule is triggered after a committee or candidate files an initial campaign finance report, due within 14 days after they receive contributions or make expenditures in excess of \$750;
3. collect Certification of Filing forms from all candidates and committees within seven days after the election;
4. have financial reports available for public inspection;
5. if a candidate or committee has an initial report, but fails to file a subsequent campaign finance report when due, notify the candidate or committee of the failure; if no reply is received within 10 days after notification is mailed, file a complaint before the Minnesota Office of Administrative Hearings; and
6. must issue Certificates of Election only to winning candidates who have filed Certification of Filing forms.

*(M.S. 13.601, subd.1; 211A.02; 211A.05; 211B.14)*

For information on campaign practices for state office candidates or constitutional amendment campaigns, call the Minnesota Campaign Finance and Public Disclosure Board at (651) 296-5148 or visit [www.cfboard.state.mn.us](http://www.cfboard.state.mn.us).

## 9.5 CAMPAIGN COMPLAINTS

Complaints of campaign finance or practice violations ([M.S. 211A](#) or [211B](#)) are heard by the Office of Administrative Hearings (OAH). To initiate a complaint, a completed form must be filed with the OAH; the matter is then subject to review and possible hearing. Additional information and the appropriate forms are available at [www.oah.state.mn.us](http://www.oah.state.mn.us). (*M.S. 211B.32*)

In addition to receiving financial reports required under [M.S. 211.02](#), clerks also have to notify a candidate or committee that has an initial report of the failure to file a subsequent report. If a report is not filed within 10 days after the notification is mailed, the filing officer must file a complaint with the OAH. (*M.S. 211A.05, subd. 2; 211A.32*)

Clerks are not responsible for interpreting or enforcing campaign finance or practices laws but have the following administrative duties for local candidates who report under M.S. 211A:

1. provide report forms to candidates or committees (the forms are printed by the OSS and distributed through the auditors and are available at [www.sos.state.mn.us](http://www.sos.state.mn.us));
2. receive financial reports from candidates and committees (They may be filed electronically);
3. notify a candidate or committee that has filed an initial report of the failure to file a subsequent report on the date it is due;
4. file a complaint with the OAH of any candidates or committees who appear to have collected or spent more than \$750 but did not file Campaign Financial Reports and/or a Certification of Filing form;
5. hold financial reports available for public inspection;
6. collect Certification of Filing forms from all candidates and committees within seven days after the election, form available at [www.sos.state.mn.us](http://www.sos.state.mn.us); and
7. issue Certificates of Election only to winning candidates who have filed Certification of Filing forms.

*(M.S. 13.60; 211A.02; 211A.05; 211B.32)*

## 10. BALLOT PREPARATION

### 10.1 PRINTING ARRANGEMENTS

Contact the county election official to confirm the specifics of responsibilities for printing ballots for the township. During state election years the county auditor will instruct on how ballot preparation will be coordinated with the township.

The official administering the election must identify a ballot printer as early as possible and begin working with the printer well before filing closes. Immediately after the filing period closes and the withdrawal period has passed, the official administering the election needs to finalize the ballot preparation. The ballots must be prepared in time to have a supply for every precinct available to cover absentee voting at least 46 days before a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal or county office, and at least 30 days before any other election. (*M.S. 203B.081; 204B.35*)

The official charged with preparation of the ballots prepares instructions for the printer in writing addressing candidate name rotation, if any, and ballot layout. These instructions must be approved by the legal advisor of the official before delivery to the printer. If the printing contract will exceed \$1000, the election official may request the printer first furnish a bond, letter or credit, or certified check conditioned on the ballot being prepared in accordance with the furnished instructions and Minnesota election law. (*M.S. 204D.04, subd. 2*)

Each precinct must be provided with at least 100 ballots for every 85 individuals who voted in that precinct at the previous election for the same office or on similar questions, or in an amount at least 10 percent greater than the number of votes which are reasonably expected to be cast in that precinct, whichever supply of ballots is greater. The auditor or clerk must certify the number of ballots being provided to each precinct, without opening any of the packages of ballots, and provide this number to the election judges for inclusion on the summary statement. (*M.S. 204B.28, subd. 3; 204B.29 sub. 1*)

When determining ballot quantities, also consider:

1. referring to turnout statistics of previous similar elections;
2. noting campaign activity and public interest which may increase voter turnout.

(*M.S. 204B.29, subd. 1*)

A major decision to resolve well in advance is whether to use an electronic voting system or traditional hand counted paper ballots. Even when normally using an electronic voting system for state elections, it may be more convenient and cost-effective to hand count the ballots for low turnout elections. Even with hand counting, ballots must be in optical scan format to accommodate use of the AutoMARK. The only exception is townships with fewer than 500 registered voters as of June 1 are not required to use optical scan ballots or the AutoMARK when a town election is not held in conjunction with any federal, state, county, or school district election.

### 10.2 BALLOT LAYOUT

By May 1<sup>st</sup> of state election years, the OSS will distribute examples of the ballots to county auditors. These example ballots are available at [www.sos.state.mn.us](http://www.sos.state.mn.us). The county auditor distributes copies of the example ballots to the clerks in municipalities holding elections that year.

(*M.R. 8250.1810, subp. 18; M.S. 204D.09, subp. 1*)

### **10.2.1 Optical Scan Ballot Layout**

Ballots must be prepared by the county auditor according to the rules for format of optical scan systems. The ballots must be packaged for each precinct in groups of 25, 50, or 100. ([M.R. 8250.1810](#) )

### **10.2.2 Paper Ballot Layout**

When no optical scan system or AutoMARK is being used for a township election, the ballots must be prepared according to Minnesota Rules 8250.0380 and/or 8250.0390.

## **10.3 PROOFING TIPS**

Check ballot header language for accuracy.

- Check the layout matches the example ballot.
- Check the headings on the ballot.
- Check order of offices on ballot .
- Check the vote for # on each office.
- Check to make sure candidates are in proper order for each race.
- Check that candidate names are spelled correctly.
- Check these items for both the front and back sides of the ballots.



## 11.0 BALLOT QUESTIONS

### 11.1 WHAT ARE BALLOT QUESTIONS?

The town board may decide to place certain questions on the ballot that the voters are authorized or required under the law to vote on. Such questions generally are limited to:

- Changing the township election date from March to November.
- Allowing Sunday liquor sales.
- Separating from a statutory city.
- Dissolving the town.
- Reversing a subordinate service district.
- Changing options for organizing the town board.
- Issuance of bonds.
- Other subjects as authorized by state statute.

([M.S. 205.075](#); [340A.416](#); [365.51](#); [340A.504](#); [365A.06](#); [365.44](#); [367.30](#); [367.36](#); [475.58](#))

### 11.2 PETITIONS

Special elections may be held in a township on a question on which the voters are authorized by law to pass judgment. In these cases, a special election may be ordered by a township board on its own motion or upon receipt of a petition signed by a number of voters equal to 20 percent of the voters at the last township general election if the question has not been submitted to voters within the previous six months. Specific directions for all petitions used in elections are provided in [Minnesota Rule 8205](#). This rule addresses petition form, circulation, signing, filing and verification. ([M.S. 205.10](#); [M.R. 8205](#))

### 11.3 ADVISORY ELECTIONS

Occasionally there will be calls for an “advisory” election on a given topic. The Attorney General has previously ruled that unless authorized by a specific law, advisory elections would violate Minnesota law. ([M.S. 205.10, subd. 1](#))

### 11.4 BOND AND LEVY REFERENDUM BALLOT NOTICES

A bond referendum is a referendum held to determine if the jurisdiction should be authorized to sell bonds to obtain the funds to finance a project, such as a new building. A levy referendum is a referendum held to determine if the jurisdiction should be authorized to levy additional property taxes to fund general operational expenses. For all bond or levy referendums that will have the effect of raising property taxes, the ballot must include the notice:

BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE. ([M.S. 275.60](#))

A levy referendum is a referendum held to determine if the jurisdiction should be authorized to levy additional property taxes to fund general operational expenses. Levy referendum ballots may also require notice of the maximum amount of the increased levy as a percentage of market value and the amount that will be raised by the new referendum tax rate in the first year it is to be levied. ([M.S. 275.61](#))

## 12.0 OPTICAL SCAN AND ASSISTIVE VOTING SYSTEMS

### 12.1 WHAT ARE VOTING SYSTEMS?

All voting systems must meet standards issued by the federal government and be certified by the OSS before they can be used in Minnesota.

#### 12.1.1 Optical Scan

Optical scan voting systems are electronic ballot counters that use scanners for reading the marks voters make on the ballots similar to the process used for standardized testing. They can instantly produce vote totals, even on the most complex ballots. Other than paper ballots, current state law permits the use of only optical scan type voting systems. ([M.S. 206.57, subd. 6](#))

Optical scan systems are available in two configurations:

1. "precinct ballot counters" that sit on top of the ballot box in the polling place and that scan the ballot as the voter places the ballot into the ballot box.
2. "central count" systems where ballots are collected from several precincts and brought to the scanner for tabulation. ([M.S. 206.56, subd. 8](#); [206.57](#))

The ES&S M100 and the Diebold Accu-Vote are two main types of precinct optical scan voting systems in our state.

**M100**



**Accu-Vote**



#### 12.1.2 Assistive Voting Device - AutoMARK

Every precinct must have at least one assistive voting device. The assistive voting device for the state of Minnesota is AutoMARK. The AutoMARK allows voters with disabilities to mark their ballot independently and privately but does not count the ballot. Towns with fewer than 500 registered voters, holding standalone township elections, are not required to have an assistive voting device in each precinct. Voters at the annual town meeting can decide to use AutoMARK for the following town elections. Exempt towns would also be required to use the AutoMARK if it is determined that the cost to use the assistive voting device does not exceed \$150. ([M.S. 206.57](#))

Local jurisdictions must make AutoMARK(s) purchased with HAVA funds available to other jurisdictions holding stand-alone elections. The jurisdictions providing the equipment cannot charge the jurisdiction using the equipment a rental fee, but may require reimbursement for any actual direct cost that results from the equipments use and prorated indirect cost of maintaining and storing the equipment. Reimbursements for any cost paid for with HAVA funds must be deposited in the counties HAVA account. ([M.S. 204B.18, subd. 1](#))

## AutoMARK



### 12.2 STATE COOPERATIVE PURCHASING VENTURE (CPV)

The Minnesota Department of Administration, working with the OSS, may enter into purchasing agreements with certified vendors of optical scan voting systems to provide low prices and easy purchasing of precinct ballot counters.

For a nominal fee, local governmental subdivisions may join the CPV program and make purchases at state prices without the necessity of doing a competitive procurement. For more information about the state CPV program, contact the Department of Administration at (651) 296-2600. Ask for details about Contract Release V-18(5). Jurisdictions may contact the vendors directly to make their purchases.

Jurisdictions may enter into maintenance agreements to have a vendor provide service to the voting systems. Under this type of maintenance agreement the vendor regularly services and repairs the voting systems. The level of service varies depending on the terms of the maintenance agreement.

### 12.3 PROGRAMMING AND BALLOT LAYOUT

Voting systems require specific programming for each election, and the programming must be carefully coordinated with ballot printing. Some jurisdictions opt to do their own programming, but the vast majority contract for this service. Either way, timeliness is critical. As soon as possible, jurisdictions must provide the programmer with complete ballot information including office order, candidate names, base rotation, ballot questions, and the precinct registration counts used in the rotation algorithm. The deadline for providing the candidate names is within five days after the withdrawal period closes. If all candidates are entered into ERS, the OSS works to electronically transfer the candidate information to the vendor. The OSS also provides audio files of candidate name pronunciation to the vendor or programmer for AutoMARK programming.

The vendor or programmer, in turn, must provide the completed programming to the jurisdiction at least 21 days prior to the election. ([M.R. 8220.0850](#))

### 12.4 TESTING

State statutes and rules require jurisdictions to complete two rounds of testing of optical scan equipment and assistive voting equipment and programming prior to Election Day. Contact the county election official to confirm the specific responsibilities in the testing process. Preliminary testing is extensive and should be performed as soon as possible. The second round of testing is a Public Accuracy Test which occurs within 14 days of the election. Each jurisdiction that operates electronic voting equipment, even if only an AutoMARK is employed, must hold a PAT, giving at least 48 hour published and posted notice of the time and place of the test. At least two election judges from different parties must be on hand to witness the test. If the jurisdiction has three or fewer precincts, all precincts must be tested. If more precincts exist, test at least three including one from each congressional, legislative, county commissioner, school district and ward. The public is welcome to watch the test. See the Equipment Testing Guide for more details on conducting testing. ([M.R. 8220.1550](#))

## 13.0 ABSENTEE VOTING

### 13.1 PREPARING TO ADMINISTER ABSENTEE VOTING

#### 13.1.1 Administering Absentee Voting

Voters must not be required to go to more than one location in order to cast an absentee ballot. For example, if a county and a municipality are conducting an election on the same day, the auditor administers absentee voting for the municipality whose residents also reside in the county. There are other scenarios where the county may delegate this responsibility or where it is the responsibility of the municipality to administer absentee voting, but the county auditor is always responsible for administering absentee voting for military and overseas (UOCAVA) voters.

#### State Elections

The county auditor administers absentee voting for county, state and federal elections, and for UOCAVA voters. They may also delegate the job of administering regular absentees to a full-time municipal clerk. A full-time clerk must accept the delegation. If the auditor has not delegated, a full-time clerk may give the auditor notice that the municipality will administer regular absentee voting. However, in either case, a municipality may only be delegated to administer regular absentee voting if they have the technical capacity to access SVRS and must receive training from the OSS. ([M.S. 203B.05, subd. 1](#); [203B.22](#))

Counties must establish an absentee ballot board for processing returned UOCAVA ballots (see section 12.1.6). Also, counties and delegated municipalities must establish an absentee ballot board for processing returned regular absentee ballots.

#### Special Elections and Municipal Elections

When a municipal election is held on a different day than a state election, the municipality is responsible for administering absentee voting for its election, except for UOCAVA absentee ballots which are administered by the county auditor. However, if the municipality asks the county, and the county agrees, the county may administer all absentee voting for the municipality.

The municipality, or county if they have agreed, must establish an absentee ballot board for processing returned regular absentee ballots. ([M.S. 203B.05, subd. 2](#))

#### 13.1.2 Process Overview

There are two separate absentee voting procedures:

- the Minnesota procedures, found under [M.S. 203B.04](#) to [M.S. 203B.15](#); or
- the procedures for military and overseas voters (UOCAVA - Uniformed and Overseas Citizens Absentee Voting Act) found under [M.S. 203B.16](#) to [M.S. 203B.27](#).

If you are administering absentee voting:

- have an adequate supply of absentee ballot applications, ballot envelopes, administrative envelopes (or return envelopes with a “security flap”), return envelopes, mailing envelopes, and instructions ready for distribution no later than 46 days before a regularly scheduled election or special election for federal or county office;
  - no later than 30 days before a standalone municipal election;
- provide the ballots to the voters beginning at least 46 days before the election;

- no later than 30 days before a standalone municipal election;
- provide same direction to absentee voters as given to voters at the polls;
- regular ballots for state election administered by the county and delegated municipalities must be recorded and processed in SVRS;
  - the county and delegated municipalities must establish an absentee ballot board to process regular absentee ballots;
- provide a voting booth and an assistive voting device (AutoMARK) in your office;
- provide first class postage on the return envelopes for regular absentees sent within the United States;
- secure all materials, including blank ballots and voted ballots, as they are returned;
- provide Incident Log for absentee voting;
- maintain spoiled ballot envelope;
- log ballots returned by agents;
- arrange for receiving, accepting and rejecting the voted ballots;
  - ABs received more than 14 days before Election Day must be accepted or rejected within 5 days of receipt;
  - ABs received within 14 days of Election Day must be accepted or rejected within 3 days of receipt;
  - mark “AB” on the rosters for accepted ballots;
- county or municipality prints supplemental report from SVRS that lists absentee voters who were non-registered, submitted a VRA with their ballot, and whose absentee ballot was accepted prior to Election Day;
- provide absentee outreach to healthcare facilities;
- all ballots must be received by Election Day; and
- arrange for counting of the ballots and reporting of AB results.  
 ([M.S. 203B.07](#); [203B.081](#); [204B.35, subd. 4](#); [206.57, subd 5](#); [M.R 8210.2400](#))

### **13.1.3 How Many Absentee Voters Should Be Anticipated?**

Use your past experience in similar elections, and feedback from the county or other clerks in your county that administer regular absentee voting, to estimate the number of anticipated absentee voters. Adjust for health care facilities within your jurisdiction and for municipal growth. Some counties have formulas to use for this process.

### **13.1.4 What If My Ballots Are Not Available Yet?**

Ballots must be available for absentee voters at least 46 days before the election (30 days before a standalone municipal election). If the vendor preparing your ballots is late in providing them, absentee voting must still begin as scheduled. You must accommodate absentee voters at least 46 days before the election, under emergency procedures, using substitute ballots. This situation is similar to running out of printed ballots at the polling place on Election Day. ([M.S. 204B.35, subd. 4](#); [204B.39](#))

Substitute ballots are prepared to look like the official ballots as much as possible. The words “Substitute” must be printed in brackets directly above the words “Official Ballot” on the ballots. When delivered, these ballots must be accompanied by an initialed affidavit from the election official who prepared them that lists the reason why the official ballots were not ready. ([M.S. 204B.39](#))

## 13.2 PERMANENT AND ONGOING ABSENTEE BALLOT APPLICATIONS

The county auditor or clerk must deliver blank absentee ballot applications to eligible permanent or ongoing absentee ballot voters at least:

- 60 days before every regularly scheduled primary or federal, state, county, city or school board office.
- 60 days before every regularly scheduled general election for city or school board office for which a primary is not held;
- 60 days before a special primary to fill a federal or county office vacancy or special election to fill a federal or county office vacancy, if no primary is held; or
- 45 days before any other primary or other election (i.e. March Town election) for which a primary is not held.

[\*\(M.S. 203B.06, subd. 1\)\*](#)

### 13.2.1 Permanent Absentee Ballot Applications

An eligible voter who reasonably expects to be permanently ill or disabled may apply to the auditor to automatically receive an absentee ballot application before each election.

[\*\(M.S. 203B.04, subd. 5; M.R. 8210.0200, subp. 4a\)\*](#)

### 13.2.2 Ongoing Absentee Ballot Applications

An eligible voter may apply for ongoing absentee status if they expect to be unable to vote at their polling place on an ongoing basis due to being absent from the precinct, illness or disability including quarantine, a religious discipline or observance of a religious holiday, or service as an election judge.

A voter's ongoing absentee status is terminated upon the voter's written request, the voter's death, postal return of an ongoing voter's absentee ballot, or a voter's status no longer being active.

[\*\(M.S. 203B.04, subd. 6\)\*](#)

## 13.3 APPLICATION PROCESSING

An application is required before a ballot can be issued. After receipt of an absentee ballot application, an absentee ballot may be issued:

- Directly to the voter for them to complete in person during the 46 days prior to the election at the auditor's or municipal election officials office (if absentee balloting has been delegated).
- To the voter through the mail.
- To an agent if during the 7 days before an election the voter is a patient of a health care facility, assisted living facility, a participant in a residential program for adults, a resident of a battered women's shelter, or to a voter who would have difficulty getting to the polls because of incapacitating health reasons, in which case special procedures apply.

An application for an absentee ballot may be faxed or received as an attachment to an email, but balloting materials can only be sent electronically to UOCAVA voters (see section 13.8.2 below). Note: Except to an agent designated by a voter, a ballot may not be issued to any person other than the voter.

[\*\(M.S. 203B.04, subd. 1; 203B.225, subd. 1\)\*](#)



### 13.3.1 Absentee Ballot Applications

Each clerk and county auditor prepares absentee ballot application forms in the format provided by the OSS and furnishes them to any person upon request. The OSS has application forms available at [www.sos.state.mn.us](http://www.sos.state.mn.us). There are separate absentee applications for standard, overseas and military, and presidential absentee voters. An “official” application form does not have to be used; an individual may apply to vote absentee by sending or presenting a letter which includes the following information:

1. the voter’s name and residential address;
2. the address where the ballot should be sent;
3. the election or elections for which the request is made (if not provided, prepare ballot for the next election only); a single application may be used for both the primary and general election;
4. one of the following reasons for voting absentee:
  - a. absence from the precinct;
  - b. illness or disability;
  - c. religious discipline or observance;
  - d. service as an election judge in another precinct;
  - e. quarantine, Governor declared emergency noting a disruption to voting;
5. the voter’s date of birth and at least one of the following:
  - a. the applicant’s Minnesota driver’s license number;
  - b. Minnesota state identification number;
  - c. the last four digits of the applicant of the voter’s Social Security number; or
  - d. a statement that the voter does not have any of these numbers;
6. oath stating that the information contained on the form is accurate, that the voter is applying on their own behalf, and that the voter is signing the oath under penalty of perjury;
7. the voter’s signature; and
8. the date the voter signed.

([M.S. 203B.02, subd. 1](#); [203B.04, subd. 1](#); [203B.06, subd. 3](#))

Applications must be signed by the person requesting the ballot (except for military and overseas voters: see below). If the person requesting the ballot is unable to sign, they may make their mark, use their signature stamp, or ask another individual to sign for them while in their presence (second individual also signs by voter’s name). Power of attorney does not apply to voting. Information from absentee ballot applications may only be used for election, political or law-enforcement purposes. This information is only available publicly after 8 p.m. on Election Day. An applicant’s full date of birth, Minnesota driver’s license or Minnesota ID number, and the last four of their social security number are not public information. ([M.S. 203B.03, subd. 1\(f\)](#); [203B.17, subd. 26](#))

If the applicant is not registered, they will need to register as part of the absentee voting process.

### 13.3.2 Administering Absentee Ballot Applications In-Person

Process the application of those applying in person immediately. Always check the registration status of the absentee ballot applicant. For state elections, if the application is complete enter it in SVRS and:

- If the voter is registered, give the absentee ballot directly to the voter.
- If the voter is not registered, issue non-registered materials. The voter must complete a voter registration application and present proof of residence to you in the same manner as would be done before an election judge on Election Day.
- If information in SVRS indicates that the voter is “challenged” and it is before the cutoff and rosters have not been printed, you can work with the county auditor to resolve the challenge and update the voter’s record in SVRS before linking the absentee application to the registered voter. After the cutoff, the voter must be issued non-registered absentee materials.

For state elections, apply labels generated from SVRS to the absentee envelopes. For non-state elections, use of SVRS is not required. If SVRS labels are not used, the clerk must fill in the voter's name, address, ward and precinct number on the return label. ([M.R. 8210.2000](#); [M.S. 203B.06, subd. 4](#))

If the voter wants to vote at that time, they may take their ballot to a voting booth or to the assistive voting device in your office, vote, seal the ballot in the return envelopes, and return the ballot to you. Confirm that the envelope is properly completed and signed. You may serve as a witness for the voter. Stamp or initial and date the return envelope and place it in a secure location with other return envelopes received by your office. For state elections, record in SVRS that the ballot has been received. Keep the ballot and application together. It is a good idea to clip or bind them together with rubber bands. Deliver all ballots to the absentee ballot board for processing within 5 days of receipt. If received within the last 2 weeks prior to the election, deliver ballots to the ballot board for processing within 3 days of receipt. ([M.S. 203B.08, subd. 3](#))

If the voter wants to take the ballot with them, place the correct postage on the return envelope, put all of the needed materials into a large mailing envelope and hand it to the voter.

There are extended hours for absentee balloting. To facilitate walk-in absentee voters, counties and designated municipalities must have their offices open from 10:00 a.m. to 3:00 p.m. on the Saturday before the election and until 5:00 p.m. on the day immediately preceding the election. ([M.S. 203B.085](#))

All election materials, including regular absentee ballot applications, are to be retained for 22 months. For additional information on record retention see section 17.9 of this guide. ([M.S. 204B.40](#))

### **13.3.3 Administering Absentee Ballot Applications By Mail**

Date the applications as you receive them. If the voter sent the application to the wrong office, promptly forward it to the correct administrator by fax or by mail or as an attachment to an email. For state elections, if the application is complete, enter the application into SVRS, print the appropriate labels from SVRS, apply the labels to the absentee envelopes, and initial and note the date ballots were sent on the application. For non-state elections, use of SVRS is not required. If SVRS labels are not used, the clerk must fill in the voter's name, address, ward and precinct number on the return envelope. Voters may have paid to have their ballot sent to them by express service and included a prepaid envelope with their application. ([M.R. 8210.2000](#); [M.S. 203B.06, subd. 2](#); [203B.04, subd. 1](#))

If registered, and if the ballots are ready, mail the ballot immediately including an instruction sheet, an inner ballot envelope, and postage paid and addressed return envelope with a flap or an additional envelope.

For challenged and non-registered voters, in addition to the ballot include a VRA, the non-registered voting instruction sheet, an inner ballot envelope, an administrative envelope (or return envelope with an additional "security flap"), and the postage paid return envelope. Postage paid return envelopes for non-registered voters may require additional postage.

Retain and file the filled applications. The names of voters who have applied for and/or voted absentee are to remain confidential until after voting has closed on Election Day. ([M.S. 203B.04, subd. 1](#); [203B.05, subd. 7](#); [203B.06, subd. 5](#))

A replacement ballot may be sent to a voter whose requests one because the ballot has been spoiled, lost, or never received. ([M.R. 8210.2600](#))



### **13.3.4 Administering Absentee Ballot Applications By Fax or Email**

Voters may submit applications by fax or email. This applies to both regular and UOCAVA absentee ballot applications. ([M.S. 203B.04](#); [203B.17](#))

## **13.4 RETURN OF VOTED ABSENTEE BALLOTS**

Absentee voters may return the marked absentee ballots either by mail, package delivery service, in-person, or through an agent. When received, the county auditor or clerk stamps or initials the return envelope(s), marks them received in SVRS for state elections, and places them in a secure location with the other returned absentee ballots. The received absentee ballots must be delivered to the absentee ballot board within 5 days for processing, except during the 14 days preceding the election, when they must be delivered within 3 days. ([M.S. 203B.08](#))

### **13.4.1 Mail or Package Delivery Service**

A ballot may be returned by U.S. mail or package delivery service to the address on the return envelope, if it arrives by the last mail delivery on Election Day. ([M.S. 203B.08, subd. 3](#))

### **13.4.2 In-Person**

A voter may drop off their own voted absentee ballot in person to the county auditor or clerk from whom the ballot was received by 5:00 p.m. the evening preceding the election. Note that this is different than the 8:00 p.m. on election night deadline for mail election ballots. ([M.R. 8210.2200, subp. 1](#))

### **13.4.3 Agent Delivery**

An absentee ballot may not be returned by an agent to election judges in a polling place. An absentee voter may designate an agent to deliver their sealed return envelope in person to the county auditor or clerk from whom the ballots were received. An agent must be at least 18 years old, and may only deliver ballots for up to three voters per election. A ballot returned by an agent must be returned by 3:00 p.m. on Election Day. A record of ballots hand-delivered by agents must be maintained by the county auditor or the clerk. The record must indicate the agent's and the absentee voter's names and addresses. The agent must sign the record and show the auditor or clerk identification containing the agent's name and signature. ([M.S. 203B.08, subd. 1](#); [M.R. 8210.2200, subp. 3](#); [8210.2100](#))

## **13.5 ABSENTEE BALLOT BOARDS**

The governing body of any county or municipality (if delegated) must authorize an absentee ballot board by ordinance or resolution to process regular absentee ballots. All counties must also establish a UOCAVA absentee ballot board to immediately process UOCAVA absentee ballots. Absentee ballot boards must consist of a sufficient number of election judges or election staff trained in the handling and processing of absentee ballots, see section 7.8. Election staff serving on a regular absentee board must declare a major party and are not required to be Minnesota residents.

The regular absentee ballot board must receive all return envelopes received during the 45 days before the election for processing. Within five days after receipt, the county auditor or clerk must deliver returned absentees to the ballot board, except during the 14 days immediately preceding an election, the ballots must be delivered to the ballot board within three days. The absentee ballot board must examine all return envelopes and accept or reject the absentee ballots in the manner provided in [M.S. 203B.121](#). ([M.S. 203B.13, subd. 2](#))

If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the absentee ballot board must provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot. If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the absentee ballot board must attempt to contact the voter by telephone or email to notify the voter of the rejection. The official must document attempts made to contact the voter. ([M.S. 203B.121, subd. 3](#))

An absentee ballot board established for processing regular absentees:

1. must consist of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include staff trained as election judges;
2. election judges performing these duties must be of different major political parties (unless exempted for town and school elections not held in conjunction with statewide elections);
3. two or more members of the board examine each return envelope and mark it accepted or rejected;
4. the board must accept and reject the absentee ballots as provided in [M.S. 203B.121](#) and [M.R. 8210.2450](#);
5. mark the return envelope as “Accepted” and sign or initial below this indication on the envelope if satisfied that;
  - a. the voter’s name and address on the envelope matches the application (use of, or lack of, full names, nicknames, abbreviations, or initials on either document is not a reason for rejection);
  - b. the voter has signed and dated on the back of the return envelope;
  - c. the voter has provided the same Minnesota driver’s license or state identification card number, or the last four digits of the voter’s social security number is the same as on the application;
    - i. if these numbers do not match, absentee ballot board must compare the signature provided by the applicant on envelope to the signature on the application to determine whether the ballots were returned by the same person to whom they were transmitted;
    - ii. use of, or lack of, full names, nicknames, abbreviations, or initials within either signature is not a reason for rejection
  - d. the voter is registered and eligible to vote in the precinct or has included a properly completed VRA and proof of residence is marked on the envelope;
    - i. if the voter was sent non-registered materials and the voter is not registered and a VRA was not found in the return envelope, open the ballot envelope and, without examining or removing the ballot, remove any VRA from the ballot envelope and immediately reseal, initial and note the purpose why it was opened;
  - e. a witness has signed the statement on the return envelope, and has provided a Minnesota address, or a title indicating they are eligible to administer oaths, or has affixed a notary stamp;
  - f. the voter has not already voted in the election, in person or, if it is after the 4<sup>th</sup> day before the election, by absentee;
6. if not satisfied the ballot should be accepted, mark the return envelope as “Rejected” and sign or initial below this indication and list the reason for rejection and return it to the auditor or delegated clerk; and
7. in a state primary, general, or special election for federal or state office, all returned ballots must be marked “accepted” or “rejected” in SVRS.
8. if administration of regular absentee ballots has been delegated, the county auditor must forward “accepted” UOCAVA ballots to the appropriate municipal ballot board.  
([M.S. 203B.23](#); [203B.24](#))

### 13.5.1 Opening of Envelopes, Storage and Counting of Votes

After the close of business on the fourth day before the election, the ballots from return envelopes marked “Accepted” may be opened, duplicated as needed as provided in section [206.86, subdivision 5](#), initialed by members of the board and deposited in the ballot box (ballot counter).

At the end of each day that absentee ballots were deposited in the ballot box, two members of the board of different major political parties must remove the ballots and, without inspecting the ballots, ensure the number of ballots removed equal the number of voters whose absentee ballots were processed that day. They must seal and secure all ballots present in the location.

After the polls have closed on Election Day, two members of different major political parties must publicly count the ballots. In state primary and state general elections, the results must be tabulated by precinct and the totals added to the totals reported on each precinct’s summary statement. In other elections, the absentee vote totals may be added to the precinct totals or they may be reported as a separate total.

If not completed previously, within 24 hours after the end of voting, members of the board must verify that voters whose absentee ballots arrived after the rosters were marked or supplemental reports were generated and whose ballots were accepted did not vote in person on Election Day. The absentee ballot must be rejected if the person voted on Election Day. All other accepted absentee ballots must be opened, duplicated if necessary, and counted by the board. The vote totals must be incorporated into the other absentee vote totals. ([M.S. 203B.121](#))

### 13.5.2 Notification of Rejection

A notice of regular absentee ballot rejection must be mailed to a voter between six and ten weeks following the election. The notice is not required if the voter has otherwise cast a ballot in the election (either in person or by replacement absentee). If an absentee ballot is rejected because it arrived after Election Day, the notice must be provided between six to ten weeks after receipt of the ballot. The notice of rejection must contain the following information: the date of rejection (or the date it was received late); the reason for rejection; and contact information of the election official. ([M.S. 203B.121](#))

## 13.6 HEALTH CARE PATIENTS

### 13.6.1 Mandatory Facility Outreach

Either the auditor or full-time municipal clerks must administer absentee voting outreach to healthcare facilities in the county, cities, or townships. **HCFs mean hospitals, residential treatment centers and nursing homes governed by [M.S. 144.50](#).** You can confirm a facility’s status by calling its administrator or by using the Minnesota Department of Health web site, [www.health.state.mn.us](http://www.health.state.mn.us). ([M.S. 203B.01, subd. 4](#))

The outreach consists of organizing one or more teams of two election judges who are from different major political parties to:

1. go to the HCF during the 20 days preceding the election;
2. travel together in the same car;
3. take applications for absentee ballots from county residents who are patients at the facility;
4. issue the absentee ballots;
5. assist patients with voting; and
6. return the voted ballots in a sealed container to the clerk on the same day.

(M.S. 203B.11)

On Election Day, an absentee ballot must also be delivered by two election judges from different parties to an eligible voter who becomes hospitalized on the day before an election if the voter has applied for an absentee ballot as in M.S. 203B.04, subd. 2 and the hospital is also in the municipality where the voter maintains residence. (M.S. 203B.11, subd. 3)

Election judges assigned to conduct HCF absentee voting must obtain one additional hour of training on these duties. Training materials to support this preparation have been developed by the OSS and is available at www.sos.state.mn.us. (M.R. 8240.1800)

## **13.7 AGENT DELIVERY**

During the seven days preceding an election, and up until 2:00 p.m. on Election Day, an eligible voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in a HCF, a resident of a assisted living facility governed by chapter 144G, in a residential program, or a battered women's shelter may designate someone to serve as an agent to pick up and return absentee ballots for them. The voter may be in a home or facility anywhere the agent is willing to travel and the agent must have a preexisting relationship with the voter.

The voter must authorize the agent in writing. A candidate at the election may not be an agent for a voter. A special request form can be combined and submitted with the application. A copy of the agent delivery form is available at www.sos.state.mn.us. To cut down on back and forth trips, you may fax or email the application to the voter, and the voter may return it by fax or as an attachment to an email. Ballots returned under this provision must arrive back to the county auditor or clerk by 3:00 p.m. on Election Day. (M.S. 203B.11, subd. 4)

## **13.8 SPECIAL CIRCUMSTANCES**

### **13.8.1 Challenged Voters**

If the person requesting an absentee ballot happens to be listed in SVRS as "challenged," process the application as you would for a person who is not registered. In other words, the person needs to complete a voter registration application and show proof of residence to a witness.

### **13.8.2 UOCAVA Voters**

Federal law provides an absentee voting process for absentee voters who are in the military, their spouses and dependents, U.S. citizens who are temporarily outside of the U.S. and U.S. citizens who are indefinitely (permanently) outside of the U.S. These voters may request an absentee ballot based on where they last lived in the U.S. The law makes some allowances for them in order to compensate for what may be difficult logistics:

1. the voter need not be registered to vote;
  - a. the FPCA is used to register the voter and is entered into SVRS as a VRA (except if marked as indefinitely (permanently) away);
2. an immediate relative 18 years of age or over may apply for the ballot on behalf of the voter;
3. the voter may use the Federal Post Card Application (FPCA) which is available from the Federal Voting Assistance Program;
4. any FPCAs received the town clerk must be immediately forwarded to the county auditor.  
(M.S. 201.071, subd. 1; 203B.17; 203B.22; 203B.225, subd. 1; M.R. 8210.0200, subp. 1c)

## **Military Voters And Voters Temporarily Outside Of The U.S:**

This group of voters is entitled to vote for all offices and they receive a full ballot. These voters claim Minnesota as their permanent residence but are temporarily away from their voting precinct. Even though the federal law is specifically geared toward military and overseas voters, the regular absentee process under [M.S. 203B.04](#) to [M.S. 203B.15](#) is available to them as an option.

### **Voters Indefinitely (Permanently) Outside Of The U.S. (Federal Ballot Only):**

This variation is available to U.S. citizens who live indefinitely (permanently) outside the U.S. or have no definite plans for returning to the U.S. (aka “Ex Pats”). They meet all qualifications of voter eligibility except residence in Minnesota. They may vote based on their last residence before leaving the U.S. and this is the address to be included on the application. In order to cast a ballot in Minnesota, they have to have maintained residence in Minnesota at least 20 days prior to leaving the U.S. Unlike military voters or those residing temporarily outside of the U.S., the only procedural option available is to apply using the FPCA and vote by absentee ballot. They are not entitled to vote for all offices; they may vote only for the federal offices of U.S. President, U.S. Senator or U.S. Representative. These voters will be issued a “special federal ballot”. ([M.S. 203B.16](#); [204D.11, subd. 4](#))

### **13.8.3 Federal Write-In Absentee Ballot**

Minnesota allows the use of a Federal Write-In Absentee Ballot (FWAB). After requesting an official absentee ballot, eligible voters who feel that there may not be sufficient time to receive and return the official ballot may use the Federal Write-In Absentee Ballot. For federal offices, either a candidate name or political party can be written in. For state or local offices, a candidate name must be written in for the votes to count. If both the official ballot and the Federal Write-In Absentee Ballot are returned prior to the close business on the 4<sup>th</sup> day before Election Day, count only the official ballot. ([M.R. 8210.2700, subp. 2](#); [M.S. 203B.227](#))

Any Write-In absentee ballots that are received will need to be duplicated by the AB board on an official ballot.

### **13.8.4 Safe At Home**

Safe at Home is a program offered by the OSS in collaboration with local victim service providers, to help establish a confidential address for survivors of domestic violence, sexual assault, and/or stalking, or others who fear for their safety.

Individuals participating in the program register with the OSS as an ongoing absentee voter. The OSS receives the applications and determines the voter’s precinct. The OSS then obtains the appropriate absentee ballot materials from the voter’s county auditor and mails these materials to the voter. The voter returns their absentee ballot to the OSS where ID numbers are compared. Ballots are then forwarded to the appropriate election official to be counted along with the rest of the ballots. ([M.S. 5B.06](#))

Note: Voters participating in the Safe at Home program will not have a voter record in SVRS and will not be listed on the polling place roster. All absentee ballots from the Safe at Home program must be counted if certification indicates that ID numbers matched. The absentee ballot board will mark “SAH” followed by a sequential number and “AB” on the Election Day registration roster page for all accepted Safe at Home ballots. You will not know the identity of the Safe at Home voter, and it is important that you only share the existence of any Safe at Home voters in any particular precinct with those who need to know.

## 14.0 ELECTION SUPPLIES/COSTS

The clerk is responsible for providing all the supplies for conducting a township election. An example polling place supply list is provided in Appendix 2, although specific needs may vary. Generally, the cost of these supplies is borne by the township. Costs may be prorated, however, for elections that involve other jurisdictions such as county, school district, soil and water district, or a hospital district. Local units of government can agree on any method of cost sharing that is mutually agreeable or use methods described in the OSS Cost Allocation Procedures. ([M.S. 204B.32](#)) This document is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

## 15.0 COURT REMEDY FOR ERRORS AND OMISSIONS

Any person may petition a court to seek to correct any error, omission or wrongful act that they feel has occurred or is about to occur in the election process or ballot preparation. This includes mistakes in preparing or printing the ballots, errors or omissions in printing names or questions, or any errors or wrongful act of any individual charged with any duty concerning an election.

The petitioner must state the problem and the proposed solution in the petition. In matters concerning election for state or federal office the petition must be filed with any judge of the state Supreme Court. In matters concerning election for county, municipal, or school district office the petition must be filed with any judge of the district court in the county where the election was held. The court will hold an expedited hearing and issue its findings and order as soon as possible after. Failure to obey the order is contempt of court. ([M.S. 204B.44](#))



## 16.0 ELECTION DAY

### 16.1 VOTING HOURS – POSTPONEMENT

For state primaries and general elections, polling places must be open from 7:00 a.m. to 8:00 p.m. Townships with fewer than 500 people, according to the most recent census figures, may adopt a later starting time. The later starting time must be approved at the annual town meeting and cannot be later than 10:00 a.m.

[\(M.S. 204C.05\)](#)

For metropolitan area township elections, the minimum voting hours are from 10:00 a.m. to 8:00 p.m. For township elections outside the metropolitan area, minimum hours are from 5:00 p.m. to 8:00 p.m. Metropolitan area for elections is defined as the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright. [\(M.S. 205.175, subd. 1\)](#)

Voters waiting in line at closing time are allowed to register and/or vote. Those who arrive after the closing hour cannot vote.

Local municipal elections not held in conjunction with a state or federal election may be postponed for inclement weather. When one or more local jurisdictions are holding elections in conjunction with one another, the jurisdiction with the largest local geographic area has the authority, after consulting with other auditors and clerks, to postpone the election. A decision to postpone must apply to every precinct in the jurisdiction and must be made no later than 6:00 p.m. on the day before the election. A postponed election must be rescheduled for the next following Tuesday. An election that is postponed due to weather may be postponed again.

[\(M.S. 204C.05; 205.07, subd. 1a; 205.105; 205.175\)](#)

### 16.2 BAD WEATHER

If bad weather occurs on the day of the annual meeting and election in March, the board may postpone the meeting and election until the third Tuesday in March. If bad weather occurs on the third Tuesday, the board may further postpone to another date within 30 days. Once the election has begun, however, it must be concluded on the same day and may not be postponed. New public notice must be given for rescheduled meetings and elections. No alternate bad weather date is provided for township elections held in conjunction with November elections. [\(M.S. 365.51, subd. 1\)](#)

### 16.3 ACTIVITY IN OR NEAR THE POLL

#### 16.3.1 Authorized Persons in the Poll during Voting

The polling place will be administered by the head election judge and the other election judges on Election Day. No public official, including the clerk, may assume the duties of an election judge simply because they hold elected or appointed office. All election judges must be eligible to serve, trained, and appointed according to the law. Each official on duty in the polling place must wear an identification badge that shows their role in the election process, such as head judge, election judge, or election judge trainee. The badge must not show their party affiliation.

[\(M.S.204C.06 subd.2; 204B.19; 204B.20; 204B.21; 204B.25\)](#)

During voting hours, the law allows only election judges, people directly engaged in voting, and authorized persons to be present in the polling place. Authorized persons are:

- Persons helping a voter who is disabled or unable to read English.
- Persons who are vouching for a voter's residence.



- Observers with written authorization from the OSS, the county auditor, or the clerk for the purpose of observing election procedures.
  - Peace officers, if the election judges request their presence to keep order.
  - Children when accompanying voters.
  - Challengers authorized to observe in the polling place (see sec. 16.4).
  - Teachers, elementary and high school students if participating in a mock election that has been authorized by the secretary of state.
  - The news media (see sec. 16.3.2 below)
  - Persons making a written complaint.
- ([M.S. 204C.06](#))

### 16.3.2 Media Access

A news media representative may enter a polling place during the voting hours only to observe the voting process. A media representative must present photo identification to the head election judge upon arrival at the polling place, along with either a recognized media credential or written statement from a local election official attesting to the media representative's credentials. A media representative must not:

- Approach within six feet of an election judge or voter.
- Converse with a voter while in the polling place.
- Make a list of persons voting or not voting.
- Interfere with the voting process.

([M.S. 204C.06, subd. 8](#))

### 16.3.3 Prohibited Polling Place Activities

Some persons, items and activities are not allowed in the polling place:

- Disorderly persons.
- Intoxicated persons and/or liquor.
- Persons who are campaigning and/or campaign materials including literature or buttons.
- Smoking.
- Linger.

([M.S. 204B.06](#))

Clerks administering absentee voting during the absentee voting period before Election Day are subject to the same polling place prohibitions that election judges will enforce on Election Day. During absentee voting the place of business is the voter's polling place. Statutes provide the following restrictions:

People may not gather or linger in the polling place or within 100 feet of the building in which the polling place is located. One exception is an individual conducting an exit poll. Exit polls cannot be conducted within the polling place, but may be conducted anywhere outside of the room being used as the polling place. An individual conducting an exit poll may only approach voters as they leave the polling place after having voted to ask them to take an anonymous written questionnaire. Furthermore, campaigning is also not allowed in the polling place, within 100 feet of the building where the polling place is located or on public property if the polling place is on public property. This prohibition on campaigning means that campaign buttons cannot be worn in the polling place and campaign signs cannot be displayed within 100 ft of the building or on public property if the polling place is on public property. Voters, however, may take sample ballots from the newspapers or campaign flyers into the voting booth for personal use but they should take care not to display these materials outside of the voting booth. These prohibitions also limit where meetings and other activities can be held in polling

place sites with multiple rooms. ([M.S. 204C.06](#); [204C.13, subd. 2](#); [211B.11](#))

See the Election Judge Guide for additional information regarding prohibited conduct in the polling place.

On Election Day, if the clerk and other elected officials are not eligible to be appointed as election judges (e.g., they may be candidates in that election), special care must be taken to ensure that they do not act “in any manner” to influence voters in, or near, the polling place.

Note: Per *Schimming v. Riverblood*, OAH 7-6347-20326-CV (June 5, 2009), the prohibition of signs and campaign materials within 100 feet does not apply to adjacent private property.

## 16.4 ELECTION DAY VOTER REGISTRATION

Minnesota permits election day registration. The clerk may expect 20 percent or more of voters to register at the polling places on Election Day. To help avoid delays and congestion, plan a flow of traffic for voter registration and voting lines. Consider appointing additional judges to handle registration duties. Judges who register voters cannot also handle ballots for the same voter. These duties must be separated.

([M.S. 201.061](#); [201.018](#))

Election judges must make sure each applicant is registering in the proper place. The clerk must supply an accurate precinct finder or precinct map to each polling place in the township. Election judges use the precinct finder or precinct map supplied by the clerk to determine if persons are registering in the correct precinct. Judges who register voters cannot also handle ballots for the same voter. The duties must be separated.

([M.R. 8200.5300](#))

The clerk must return the polling place roster(s) and completed VRAs to the county auditor within 48 hours following the end of voting. ([M.S. 204C.07](#); [201.018](#))

## 16.5 CHALLENGERS

Specifically-appointed “challengers” are permitted to be present in the polling place during the hours of voting. When challengers arrive at a precinct, they should be directed to the Head Judge to prove their Minnesota residency by presenting one of the proofs of residence accepted for election day registration and a letter of appointment from a party or non-partisan candidate. Challengers do not need to prove residence in the precinct where they are appointed on Election Day.

The challenger cannot speak to voters. Furthermore, the challenger cannot handle or inspect any of the voting materials, or make lists of who has or has not voted, or compile lists of voters to challenge on the basis of mail sent by a political party that was returned undeliverable or if the receipt by the intended recipient was not acknowledged in the case of registered mail, and cannot attempt to influence voting in any manner. Challenge of a particular voter’s eligibility to vote takes place through the election judge. The challenger must complete the Oath of Challenge to Voters Eligibility form for each challenge and the election judge then resolves the issue with the voter. See the Election Judge Guide for more detailed information

Appointment as a challenger requires issuance of a written certificate according to the following circumstances:

- **Partisan elections.** At an election to fill partisan offices, the chair of an authorized committee of each major political party may appoint by written certificate voters from that political party to act as challengers of voters at the polling place for each precinct. Only one challenger from each major political party for each precinct is allowed to remain in the polling place at one time.
- **Nonpartisan elections.** At an election to fill nonpartisan offices, nonpartisan candidates may appoint by written certificate voters to act as challengers of voters at the polling place for each precinct. Only one challenger for each candidate is allowed to remain in the polling place for each precinct at one time.
- **Elections on questions.** At an election where a question is to be voted upon, the mayor of a city, or the school board of a school district, or the board of supervisors of a town, upon receiving a written petition signed by at least 25 eligible voters, must appoint by written certificate one voter for each precinct in the municipality, or school district if applicable, to act as a challenger of voters in the polling place for that precinct.
- Challengers must be residents of the state of Minnesota and prove their residency by presenting one of the proofs of residency listed in [M.S. 201.061, subd. 3](#), accepted for election day registration.
  - Challengers do not need to prove residence in the precinct where they are appointed on Election Day.  
([M.S. 204C.07](#); [204C.12](#))

## 16.6 EMERGENCIES

Nothing must interfere with the right of voters to vote free of undue delay or inconvenience. Should emergencies occur, auditors, clerks and election judges have wide discretion to resolve the problem. Polling places may be moved, additional judges enlisted, and materials or supplies (including ballots and voter registration applications) photocopied, if necessary. If a precinct ballot counter should break down, the emergency voting slot in its ballot box should be opened immediately.

([M.S. 204B.16, subd. 7](#); [204B.25, subd. 1](#); [204B.30](#))

## 16.7 PUBLIC COUNTING

After all voters in line at 8:00 p.m. have voted, the polling place is open to the public, including members of the media and candidates, until votes are counted and results are declared. Election judges will count the ballots/run the results tapes, prepare the summary of results, secure and turn in election materials. Unless appointed as an election judge, no individual will touch election materials during this process, including the clerk.

([M.S. 204C.19, subds. 1](#); [204C.19, subd. 2](#); [204C.07](#))

## 16.8 SUMMARY STATEMENTS

After the last voter in line at 8:00 p.m. has voted, the election judges count the ballots; prepare summary statements of the votes for each candidate for each office for and against each ballot question; and sign the summary statement. Three copies of the summary statements must be completed by the election judges, except that only two copies of the summary statements are needed for elections not held on the same day as the state elections. In precincts with a precinct ballot counter, the summary statement is printed at the end of the results tape. Election judges from all precincts must complete three copies of the summary statement and seal each in individually signed envelopes. The first copy must remain attached to the zero report printed when the polls were opened.

Each copy of the summary statements must include the following:

- Total ballots delivered to your precinct as adjusted by the actual count (from any adjustments noted on the incident log);
- The number of unofficial ballots made, if any;

- The number of spoiled ballots;
  - The number of duplicate ballots made, if any;
  - The number of unused ballots at the end of the day;
  - The number of absentee ballots delivered;
  - The number of absentee ballots rejected;
  - The number of persons registered to vote at 7am on Election Day;
    - This number is listed in the back of the pre-registered roster.
  - The number of persons who registered to vote at the polling place on Election Day;
    - This is the number of voter signatures on the election day registration roster (or the number of EDR voter registration applications).
  - The number of signatures on the rosters (pre-registered roster plus the election day registration roster);
    - This is the number of voter signatures on both rosters.
    - Do not count “AB” notations printed, written, or stamped on the registered roster.
  - The number of accepted absentees;
  - The total number of voters that voted at the polling place on Election Day.
- ([M.S. 204C.24](#))

## 17.0 AFTER THE ELECTION

### 17.1 RECEIVING MATERIALS

On election night at least one election judge from each precinct must deliver the following items to the county auditor or the clerk (who delivers to the county auditor) after all ballots have been counted but no later than 24 hours after voting ends at 8:00 p.m. on election night:

1. two sets of summary statements; and
2. all voted and spoiled ballots.

([M.S. 204C.27](#))

Every auditor must remain in their office on the night of the election until all returns have been delivered to the auditor's office. The auditor must prepare a record of all materials delivered to their office on the night of the election. This record must be prepared in the presence of the city clerk or election judge who delivered the materials to the auditor's office. The record must include all materials delivered, the time of delivery, the name of the individual who made the delivery, the number of ballots delivered to the precinct and the total number of ballots returned as listed on the summary statement. A discrepancy between the number of ballots delivered and returned must be noted. All envelopes returned on election night must remain sealed and stored in a secure place in the auditor's office. ([M.S. 204C.28, subd. 1](#))

At least one election judge from each precinct must deliver the following to the clerk within 24 hours after voting has ended on the night of the election:

1. remaining summary statements and returns;
2. all unused and spoiled municipal ballots;
3. completed voter registration applications;
4. voter rosters; and
5. voting systems.

The clerk then must return all polling place rosters and completed voter registration applications to the county auditor within 48 hours after voting ends on election night. Rosters may need to be returned to the county auditor sooner to complete accepting/rejecting absentee ballots within 24 hours after the polls close.

([M.S. 204C.27](#))

### 17.2 CANVASS OF THE RETURNS

The town board serves as the canvassing board for township elections. The board must meet to canvass the returns and declare the results within three to 10 days after a November township election and within two days after an election held on another date. ([M.S. 205.185, subd. 3](#))

The steps to canvass the results are:

1. the clerk prepares a canvass report to accumulate results from multiple precincts; this report may be available from the state Election Reporting System;
2. the canvass board takes the oath of office and publicly canvasses the election returns by reviewing the abstract and write-in reports;
  - a. the board may ask to examine summary statements before it declares the results;

- b. when satisfied that the abstract reports are correct, the board signs the abstracts and they become the official results;
  - c. in the case of a tie vote, the canvassing board determines the winner by lot;
3. errors by election judges in counting may be corrected by following specific procedures as prescribed by law.  
([M.S. 204C.38](#); [204C.39](#); [205.185](#))

## 17.3 RECOUNTS

Minnesota election law authorizes administrative recounts after the canvassing board certifies the results. Rather than seeking a court order, the election administrator, on behalf of the canvassing board, may conduct a manual recount. A recount is limited in scope; the sole issue a recount may resolve is whether the election judges arrived at the correct vote total. Original ballots that have been duplicated are not within the scope of a recount and must not be examined except as provided by a court in an election contest. Rejected absentee envelopes may not be opened or subject to further review except in an election contest pursuant to Chapter 209.  
([M.S. 203B.121, subd. 2](#); [204C.35, subd. 3](#))

Minnesota Rules Chapter 8235 provides a complete discussion of the procedures for conducting a recount. See the Minnesota Recount Guide for more information on general procedures.

### 17.3.1 Discretionary Municipal Election Recounts

While there is no automatic recount for town elections, a losing candidate for nomination or election to a town office may request a manual recount of the votes cast for the nomination or election to that office at the jurisdiction's expense if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is less than one half of one percent of the total votes counted for that office or if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is ten votes or less and the total number of votes cast for the nomination or election of all candidates is no more than 400. A losing candidate may request a recount at their own expense if the difference is greater than these stated differences. In cases of offices where two or more seats are being filled from among all the candidates for the office, the one half of one percent is the difference between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

The candidate requesting the recount at their own expense may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the winner of the race is changed by the result of the recount or if the difference between the result of the recount and what was reported on Election Day is more than the accepted margin of error for the post election review, the cost of the recount is paid by the jurisdiction conducting the recount. ([M.S. 204C.36, subd. 1](#); [204C.36, subd. 2](#))

### 17.3.2 Ballot Question Recounts

A written request for a recount must be filed by any person eligible to vote on the ballot question, filed with the township clerk and be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. A recount on a ballot question may be requested within five days after a primary election canvass, and within seven days following the canvass of a general election. The clerk is responsible for conducting the recount on behalf of the town board. The recount will be conducted at the township's expense if the difference between votes for and against are less than one-half of one percent of the total votes counted for that question, or 10 votes or less when the number of votes cast on that question are 400 or less. If the difference between votes for and against the ballot question is greater, the

person requesting the recount shall also file with the clerk a bond, cash or surety in an amount set by the town board for payment of recount expenses at the time when the written request and petition is submitted. ([M.S. 204C.36, subd. 3](#))

## 17.4 CONTEST OF ELECTION

A “contest of election” means to challenge the result of an election in district court, usually seeking a specific correction. A voter or candidate may contest the election of a candidate or ballot question in which they were eligible to vote. An election may be contested over an irregularity in the conduct of an election; canvass of votes or on the grounds of deliberate, serious, and material violations of Minnesota election law.

([M.S. 209.02](#); [209.021](#))

The individual contesting the election must file a written notice of contest with the clerk of the district court of the county. The notice must specify the points the contest is based on, and must be filed within seven days after the canvassing board declares the results of the election or recount. For a primary, the notice of contest must be filed with the clerk of the district court within five days. Anyone considering filing a notice of contest, should read and carefully comply with [M.S. 209](#), which governs the contest of election process. As a clerk, do not allow yourself to be misunderstood as providing legal counsel to an individual. Advise citizens to seek legal counsel to ensure that their efforts are in compliance with the law. ([M.S. 209.02](#); [209.021](#))

If an election is contested, the clerk cannot issue a certificate of election until the contest has been determined by the court. The clerk takes no other action except as directed by the court. ([M.S. 205.185, subd. 3\(b\)](#); [209](#))

## 17.5 CERTIFYING RESULTS

The clerk must certify the results of the town election to the county auditor. If a question on the ballot involves intoxicating beverages or a change in the form of town government, the clerk must promptly notify the county auditor and certify to the OSS the form of the question and votes for and against the proposition.

([M.S. 204C.40](#); [205.185](#); [340A.416](#))

## 17.6 CAMPAIGN FINANCE REPORTING

The clerk shall ensure that candidates have certified that all campaign financial reports required by [M.S. 211A.02](#) have been submitted, including the Certification of Filing.. The Certification of Filing is due no later than seven days after the general or special election. ([M.S. 211A.02](#); [211A.05, subd. 1](#))

If a candidate or committee fails to file a campaign finance report when due, the clerk shall notify the candidate or committee of the failure. If no reply is received within 10 days after notification is mailed, the clerk must file a complaint with the OAH. ([M.S. 211A.05, subd. 2](#))



## 17.7 CERTIFICATE OF ELECTION

After the time for recounts and contesting election results has passed (and after any contests have been resolved), and after confirming that all required campaign financial reports due from the successful candidate are on file, the clerk shall issue a certificate of election to the successful candidate. A clerk or auditor who issues a certificate of election to a candidate who has not certified that all campaign finance reports have been filed is guilty of a misdemeanor.

Note: The candidate with the second-highest number of votes does not receive a certificate of election if the winner declines the office or resigns. That situation is handled as a vacancy as described in the next section. ([M.S. 205.185](#); [211A.02](#); [211A.05](#))

## 17.8 OATH OF OFFICE

Every person elected or appointed to any public office shall take and subscribe an oath or affirmation to support the U.S. Constitution and the Constitution of Minnesota, and to discharge faithfully the duties of their office to the best of their judgment and ability. This requirement applies to every official commissioner or member of a public board or body before transacting any of the business or exercising any privilege of such office. Unless otherwise specified in law, town officials take and subscribe their oath of office with their town clerk or recorder. ([M.S. 358.05](#); [359.04](#); [358.11](#); *Constitution of the State of Minnesota*)

## 17.9 RECORD RETENTION

The clerk is responsible for custody of the ballots and returns in town elections. The clerk must secure all materials used in the election including optical scan testing materials and the voted ballots for 22 months following the election. Abstracts filed by canvassing boards shall be retained permanently by the officer with whom those abstracts are filed. These abstracts are permanently retained because they contain the original signatures of the canvassing board. ([M.S. 138.163](#); [204B.40](#))

Note: The county auditor is responsible for ballot retention when federal or state offices and township offices are part of a combined optical scan ballot.

## 17.10 POST ELECTION REVIEW

For the state general election, the county canvass board will select the precincts by lot for a post election review. Details can be found in the Post Election Review Guide, available at [www.sos.state.mn.us](http://www.sos.state.mn.us). The county auditor is the post election review official unless the auditor designates the town clerk as the review official within 24 hours after the county canvass of the state general election. ([M.S. 206.89](#))



## 18.0 VACANCIES IN ELECTIVE OFFICES

### 18.1 OCCURRENCES

Vacancies in elective offices can occur due to the incumbent's ineligibility or due to relocation out of the elective district. Occasionally, someone who has been elected to an office will decline or refuse to serve, and this is considered a vacancy as well. A resignation creates a vacancy when the letter of resignation is received and accepted by the officer, body, or board authorized to receive it. Preparations for the special election may begin immediately after the written resignation is received by the official(s) authorized under [M.S. 351.01](#) to receive it. ([M.S. 351.01, subd. 2](#); [351.02](#); [351.055](#))

### 18.2 FILLING VACANCIES

The town board shall fill the vacancy by appointment of an individual who is eligible to hold the office. The person appointed shall hold office until the next annual township election, when a successor shall be elected for the unexpired term. Filings for that position are taken during the usual filing period, and voters elect the permanent replacement at the election. There is an exception if when a vacancy occurs there is more than 1 year remaining in the term and on or after the 14<sup>th</sup> day before the first day to file an affidavit of candidacy for the town election. The elected person takes office as soon as the seven day contest period is over and serves out the remainder of the term. ([M.S. 367.03, subd. 6](#))

Note: A special election may also be called if the town board or appointment committee fails to fill a vacancy of an elected town office by appointment. ([M.S. 367.03, subd. 6](#))

If a special election is being held to fill a vacancy, candidates must file their affidavit of candidacy for the specific office with the vacancy to fill the unexpired portion of the term. When filling a vacancy by special election, regular laws, including election related deadlines, must be followed as far as practicable ([M.S. 204D.18](#), [205.02](#)). Also, the precincts, polling places, and election judges are the same as the last general election, unless they are changed according to law ([M.S. 204D.24](#)).

## 19.0 OTHER ELECTIONS

### 19.1 MAIL BALLOTING AND MAIL ELECTIONS

Minnesota Statutes provide procedures for the conducting of an election by mail, where the only polling place is the office of the clerk or auditor. [M.S. 204B.45](#) allows certain municipalities or counties to use special mail balloting procedures for precincts for all of their elections. [M.S. 204B.46](#) allows a special election for question(s) to be conducted as a mail election for precincts which would normally vote at a regular polling place in other elections.

A Mail Election Guide (for mail balloting and mail elections) is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

#### 19.1.1 Mail Balloting

Minnesota Statutes permit mail balloting in the following situations:

- For all elections in municipalities outside the metro area with fewer than 400 registered voters.
- For all elections in precincts with fewer than 50 registered voters
- Unorganized territories if provide for by the county board.

The governing body of a municipality, or county board for unorganized territories, must make the decision to conduct balloting by mail more than six weeks before the election date. If conducting balloting by mail, the notice of election and notice of special mail procedure must be given at least six weeks prior to the election. Mail balloting can be used at any municipal, county, or state election. The clerk will need to develop a plan for the mailing and for processing the voted ballots and the office of the auditor or clerk is the only polling place. Except for a mail special election for a question, the county auditor must give approval before special mail ballot procedures can be used for an election. Except for a mail special election for a question, all county auditors must give approval for municipalities within multiple counties.

Ballots are mailed no more than 30 or later than 46 days nor later than 14 days before a regularly scheduled election for federal, state, county, city, or school board office or special election for federal or county office, and not more than 30 days nor later than 14 days prior to any other Election Day. If needed, the county auditor or clerk does a second mailing no later than 14 days before the election to voters who to voters who registered to vote after the initial mailing but before the voter registration cutoff.

The auditor or clerk must appoint a ballot board, as done for processing regular absentee ballots, to process returned ballots. The ballot board must mark returned ballots “accepted” or “rejected” within 5 days they are received, and within 3 days if they are received 14 or fewer days before the Election Day. ([M.S. 204B.45](#); [M.R. 8210.3000](#))

#### 19.1.2 Mail Election

A county, municipality, or school district submitting questions to the voters at a special election may conduct the election by mail with no polling place other than the office of the auditor or clerk. No offices may be voted on at a mail election under this provision. The county auditor must be given 53 days notice and a notice must be posted at least six weeks prior to the election. Ballots are mailed no more than 30 or later than 14 days prior to the election. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to voters who registered to vote after the

initial mailing was sent but before the voter registration cutoff, 20 days before Election Day, for the election.

School district levy referendums held at a time other than the November Election Day must be conducted by mail.

The auditor or clerk must appoint a ballot board, as done for processing regular absentee ballots, to process returned ballots. The ballot board must mark returned ballots “accepted” or “rejected” within 5 days after they are received, and within 3 days if they are received 14 or fewer days before Election Day. More detailed information regarding mail balloting is available in the Mail Elections Guide. ([M.S. 204B.46](#); [M.R. 8210.3000](#))

## 19.2 TOWNSHIP SPECIAL ELECTIONS

A special election is any election that is not regularly scheduled. It may be on an authorized ballot question or to fill a vacant office. These elections generally begin with a board resolution, are conducted in the same manner as regular township elections and would follow procedures described in this guide, unless the particular law authorizing the election has special instructions. The governing body for a town may on its own motion cancel a special election held under [M.S. 205.10, subd. 1](#), but not less than 46 days before the election. Notice must be provided at least 46 days before the election if a town special is cancelled in this manner. ([M.S. 205.10](#); [205.16, subd. 4](#))

## 19.3 STATE ELECTIONS

Clerks share responsibility for administering state elections with county auditors and the OSS. State elections are held every even-numbered year.

### 19.3.1 State Primary Election

Held on the second Tuesday in August (August 14th, 2012) to select political party and nonpartisan candidates for elective offices to be filled at the general election. ([M.S. 204D.03](#))

If there are no partisan or nonpartisan offices for which nominees must be selected, the town board may decide whether a state primary will be held. If the town board decides that there will not be a primary, within 15 days of the close of filing, the clerk must post a notice of the primary cancellation, and must also notify the OSS. ([M.S. 204D.03](#); [204D.07](#))

At least 15 weeks before the state primary, the OSS shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the OSS. Within 10 days after notification by the OSS, each county auditor must notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks must promptly post a copy of that notice in their offices. ([M.S. 204B.33](#))

Notice of election must be posted in the clerk's office 15 days before the election stating: officers to be nominated; location of each polling place; and hours for voting. The notice may also be published. ([M.S. 204B.34](#))

Major political parties on the Primary Election ballot in 2012: Democratic-Farmer-Labor, Independence, and Republican. ([M.S. 200.02](#))

No write-in candidates are permitted on a primary election ballot. Voters may vote in only one party's primary column on the ballot; voters may not "cross-party voting" between the parties' columns and candidates. ([M.S. 204B.36](#); [204D.08](#))

Nonpartisan (judicial, local, and school) offices appear on the primary election ballot only when more than twice the number of persons to be elected file for the nomination. ([M.S. 204D.07](#))

### **19.3.2 State General Election**

Held on first Tuesday after the first Monday in November to elect all elective state and county officers, judges of the state supreme, appeals, and district courts, members of the legislature, senators and representatives in congress, and presidential electors. Proposed amendments to the Minnesota Constitution may be on the ballot as well as elective offices for soil and water conservation districts and hospital districts. For specific dates and notices see the 2012 Elections Calendar [www.sos.state.mn.us](http://www.sos.state.mn.us). ([M.S. 204D.03](#); [204D.13](#); [204D.15](#); [447.32](#))

### **19.3.3 Summary Statements and Returns**

For state elections, each official responsible for printing ballots must furnish three or more blank summary statement forms for the returns of those ballots for each precinct. Blank summary statement forms are furnished at the same time and in the same manner as the ballots. After election judges complete the canvass of the returns, they deliver at least three copies of the summary statement to the clerk. ([M.S. 204C.24](#); [204C.26](#); [204C.28](#))

### **19.3.4 Canvassing**

Results of state elections are declared by the appropriate county canvassing boards and the state canvassing board. ([M.S. 204C.32](#); [204C.33](#))

## **19.4 SCHOOL DISTRICT ELECTIONS**

School Districts are required to conduct their board elections in November of either even or odd numbered years. If a school district is holding an election at the same time as a township election or a state primary or state general election, the township clerks in the school district will in effect be conducting the election for the school district. The school district will still take the candidate filings for school board office, prepare and supply a school district optical scan ballot (where used), and canvass the results of the election. The township, however, is responsible for all other facets of the election including: election judges, and polling locations. If the election is not held with the state elections, but is held in conjunction with city election, the township is also responsible for optical scan ballot preparation, and absentee ballots. ([M.S. 205A.04](#); [205A.06](#))

A school board may, by resolution, decide to choose nominees for school board by a primary. If school candidates are to be nominated by primary, a primary must be held when there are more than two candidates for a specified school board position or twice as many candidates as there are at-large school board positions available. The primary would be held on the first Tuesday in August. The candidate filing period would open 84 days before and close at 5 p.m. 70 days before the primary. ([M.S. 205A.03, subd. 1](#))

The township may bill the school district for a fair share of conducting the election. The OSS has developed a Cost Allocation Procedure for election expenses that can be used as the basis for billing election costs. A copy of the Cost Allocation Procedures is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

# GLOSSARY

**Absentee ballot board:** A special board of election judges, that handles all processing of regular absentee ballots.

**Agent delivery:** A process by which during the seven days preceding an election, and up until 2:00 p.m. on Election Day, specific eligible voters designate someone to serve as an agent to pick up and return absentee ballots to them. ([M.S. 203B.11, subd. 4](#))

**Assistive voting device:** An electronic ballot marker with a touch screen, keypad, keyboard, earphones, or any electronic ballot marker that assists voters to use an audio or electronic ballot display in order to cast votes. ([M.S. 206.56, subd. 1](#))

**Ballot:** **Spoiled:** A ballot returned to an election judge due to an error made by the voter. The voter can exchange this for a new blank ballot.

**Defective:** A ballot is defective if the voter overvoted, voter's intent cannot be determined during counting, or if the voter has written their name, ID number, signature on the ballot. A ballot may be defective in whole (as in cross-party voting in a primary) or as to a single office or ballot question (as in voting for too many candidates for one office).

**Duplicate:** A ballot created by an election judge team to replace a ballot that cannot be scanned by a ballot counter.

**Ballot box:** Secure box used to hold voted ballots. The ballot counter sits atop the ballot box.

**Ballot counter:** Electronic optical scan device that counts paper ballots.

**City:** A home rule charter or statutory city. ([M.S. 200.02, subd. 8](#))

**Clerk:** Statutes refer to "municipal" clerks meaning either the city clerk or township clerk or a designee. References to school districts mean the school district clerk or a designee.

**Challenger:** An individual with written authorization to be present in a polling place to question the eligibility of voters. A challenger must prove they are a resident of Minnesota by providing the Head Judge with one of the proofs of residence acceptable for election day registration under and complete an Oath of Challenge to Voters Eligibility form to challenge a voter's eligibility.

**Clerk:** Statutes refer to "municipal" clerks meaning either the city clerk or township clerk or a designee. References to school districts mean the school district clerk or a designee.

**Cross-party voting:** Voting for candidates of more than one party when a candidates appear on the ballot under a political party designation. "Cross-party" voting is not allowed in a partisan primary.

**Exit polling:** Individuals may conduct exit polls, surveys of voters, anywhere outside of the room being used as the polling place. An individual conducting an exit poll may only approach a voter as they leave the polling place after having voted to ask them to complete a written anonymous questionnaire.

**General election:** An election held at regular intervals on a day set by law at which voters of the state or any of its subdivisions choose by ballot public officials or presidential electors. ([MS 200.02, subd. 2](#))

**Governing body:** The board of commissioners of a county, the elected council of a city, or the board of supervisors of a township. ([M.S. 200.02, subd. 10](#))

**Healthcare agent delivery:** When a patient in a healthcare facility authorizes a person to pick up and return absentee ballots for the patient.

**Healthcare facility:** A hospital, residential treatment center, or nursing home licensed under [M.S. 144A.02](#) or [M.S. 144.50](#). ([M.S. 203B.01, subd. 4](#))

**Mail Balloting:** A method of voting that a qualified jurisdiction has chosen to be used for its regularly scheduled elections.

**Mail Election:** A special election for question(s) submitted to the voters of a county, municipality or school district with no polling place other than the office of the auditor or clerk.

**Metropolitan Area:** The counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright. ([M.S. 200.02, subd. 24](#))

**Metro Towns:** Towns located in the “metropolitan area” as defined above.

**Municipality:** Any city or township. ([M.S. 200.02, subd. 9](#))

**Non-partisan:** In a non-partisan primary or a non-partisan general election, voters may vote for any candidates. In a non-partisan election, individual candidates are listed without party designation, unless a local city Charter creates other options.

**Partisan :** In a partisan primary, voters may only vote for candidates within one major political party. In a partisan general election, voters may vote for any candidates regardless of the party affiliation of the candidates. Individual candidates are listed with party designation.

**Posted:** “Posted” notice refers to the posting of a copy of the notice in a manner likely to attract attention by affixing the notice to a wall, post, or bulletin board, etc. ([M.S. 645.12](#))

**Precinct:** The basic geographical units for organizing and administering elections.

**Primary:** An election at which voters choose the nominees for the offices to be filled at a general election. ([M.S. 200.02, subd. 3](#))

**Prior registration:** The registration record of an individual at the individual’s most recent prior residence address.

**Published:** “Published” notice means the publication in full of the notice in the regular issue of a qualified newspaper, once each week for the number of weeks specified. ([M.S. 645.11](#))

**Roster:** The document provided to each precinct listing the voters registered in that precinct with current residence address and date of birth.

**Summary statement:** The precinct summary statement is the official record of the numbers of voters and vote totals for the precinct. In precincts using an electronic ballot counter, the machine tape is the summary statement.

**Voter Registration Application (VRA):** Application used to register to vote or to update an existing registration.

**Vouching:** An Election Day procedure that permits an individual to register to vote and to cast a ballot if another authorized individual swears an oath that the individual resides in that precinct. Election Day voter vouchers within a polling place are limited to 15 voters they may vouch for, however, that limitation does not apply to employees of residential facilities vouching for residents of those facilities.

**Registered Voter in the Precinct:** A registered voter in the precinct or a voter who registers on Election Day in the precinct who can attest to a new registrant's residence allowing them to register in the same precinct on Election Day. A voter may vouch for a maximum of 15 persons. Vouched for voters cannot vouch for new voters on Election Day.

**Employee of a Residential Facility:** An individual who proves that they are an employee of a residential facility in the precinct and attests to know a new registrant's residence at the facility. The employee voucher may vouch for an unlimited number of residents of the facility.

**Witness:** A registered voter who signs an absentee ballot envelope to document that the ballots inside were marked by the voter entitled to cast the ballots.

**Please refer to [M.S. 200.02](#) for other definitions that may be used in this Guide.**



# APPENDIX 1

## ELECTION RESOURCES

### COUNTER AUDITOR

County auditors are required to train township clerks and chair judges prior to the state primary. Training will address election laws and procedures; duties of township clerks and duties of election judges; and related subjects. ([M.S. 204B.28](#))

### SECRETARY OF STATE

The OSS supports county auditors' training program by training the auditors (or their designees) in the administration of election laws and the training of local election officials and election judges. As part of the OSS training programs, the Secretary meets with election officials to present information about new laws and rules, and to discuss proposals for laws and for amendments to rules. The Secretary of State also collaborates with other programs and conferences offered for election officials by their own associations. ([M.S. 204B.27](#))

To assist county auditors, municipal clerks, and other election officials in their duties, the OSS makes available the following publications in hardcopy or electronic form:

**MINNESOTA ELECTION LAWS** - A compilation of Minnesota's election laws with annotations by the Attorney General. Printed in odd-numbered years, copies and updates are sent to county auditors for distribution to township clerks. It is updated online in even-numbered years. . In all matters, the law and rule are the final authority. ([M.S. 204B.27](#))

**MINNESOTA ELECTION JUDGE GUIDE** – Explains election judge duties and procedures.

**MINNESOTA COUNTY AUDITOR ELECTION GUIDE** – Provides county election calendar, procedure summary and references to Minnesota election laws.

**MINNESOTA CITY CLERK ELECTION GUIDES** – Provides city election calendar, procedure summary and references to Minnesota election laws.

**MINNESOTA TOWNSHIP CLERK ELECTION GUIDE** – Provides township election calendar, procedure summary and references to Minnesota election laws.

**MINNESOTA SCHOOL DISTRICT CLERK ELECTION GUIDE** – Provides school board election calendar, procedure summary and references to Minnesota election laws.

**MINNEOSTA CAMPAIGN MANUAL** – Summarizes campaign financial reporting and fair campaign practices references to Minnesota election laws.

**MINNESOTA MAIL ELECTIONS GUIDE** – Provides Mail Election and Mail Balloting procedure summary and references to Minnesota Election Laws.

**MINNESOTA ELECTION RECOUNT GUIDE** – Provides procedural summary for election recounts and references to Minnesota Election Laws.

**MINNESOT POST-ELECTION REVIEW GUIDE** – Provides procedural summary for post-election reviews and references to Minnesota Election Laws.



**MINNESOTA VOTING EQUIPMENT TESTING GUIDE** – Provides procedural information for voting equipment testing.

## APPENDIX 2

### EXAMPLE POLLING PLACE SUPPLY LIST

This list is provided as an example only. Depending on your voting equipment, or arrangements your office may have with other units of government, you may not use certain items, you may use items not listed.

Alphabetical tabs – 1 set	Magnifying lens
AutoMARK	Masking tape
Bag of rubber bands & paper clips	Oath of election judge form
Ballot counter & power cord	Oath of challenge to voter's eligibility form
Ballots	Official certification sheet
Ballot marking pens	Opening/closing the polls checklist
Ballot marker boxes/strings	Payroll/timesheet records for election judges
Ballot receipts for registered voter	Poll closing sign for last voter in line at 8 p.m.
Blank cardboard pieces for signs	Polling place posters and signs
Certificate of registered voter for curbside voting	Precinct finder
Clipboard	Precinct list of persons vouched for Form
Deceased voter forms	Precinct map
Demonstration ballot	Precinct rosters
Duplicated ballot envelope	Results tape envelope
Duty cards	Rubber fingers
Election Judge Manual(s) – add phone numbers on the back	Sample ballots
Election day registration applications	Scissors
Extension cords	Secrecy cover for ballots
Flag(s) & stand	Security seals for ballot transfer case
HAVA Election Complaint Form	Spoiled ballot envelope
Highlighter	Voter registration tally sheet
“I Voted” stickers	Voter registration bags
Identification Badges	Oath of Vouching to Voter's Eligibility
Incident logs	Precinct List of Person's Vouched for Form
Key(s) to polling place; ballot box	Residential Facility Precinct List of Persons Vouched for Form
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Magic marker	

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## IMPORTANT TELEPHONE NUMBERS

**County Auditor's Office**

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**Voting Machine Repair**

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**County Sheriff / Local Police**

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**Fire Department**

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**Emergency Medical Services**

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